



IOWA ADMINISTRATIVE BULLETIN

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CONTENTS IN THIS ISSUE

Pages 1218 to 1253 include **ARC 3098B** to **ARC 3118B**

ADMINISTRATIVE SERVICES DEPARTMENT[11]

- Filed, Amend and transfer 471—chs 12, 15 to 11—chs 25, 26 **ARC 3105B** 1247
- Filed, Amend and transfer 581—ch 1 to 11—ch 50 **ARC 3104B** 1248
- Filed, Amend and transfer 581—chs 2, 3, 11, 12 to 11—chs 51, 52, 60, 61 **ARC 3103B** ... 1248
- Filed, Amend and transfer 401—chs 14, 16 to 11—chs 114, 116 **ARC 3102B** 1249

AGENDA

- Administrative rules review committee 1210

ALL AGENCIES

- Schedule for rule making 1208
- Publication procedures 1209
- Administrative rules on CD-ROM 1209
- Agency identification numbers 1216

ATTORNEY GENERAL[61]

- Notice, Crime compensation assistance program, 9.25, 9.35(10), 9.37 **ARC 3098B** 1218
- Notice, Sexual abuse assistance program—examination payments, 9.80 to 9.87 **ARC 3099B** 1219

CITATION OF ADMINISTRATIVE RULES 1207

CULTURAL AFFAIRS DEPARTMENT[221]

- Notice, Cultural and entertainment districts, ch 9 **ARC 3110B** 1220

DELAY

- Medical Examiners Board[653]
 - Physician supervision of a physician assistant—grounds for discipline, 21.4
- Delay 1254

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

- Filed, University-based research utilization program, ch 63 **ARC 3109B** 1249

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]"umbrella"

- Notice, Combined endorsement—superintendent and AEA administrator; national standards for school leaders, 14.142(3), 14.142(4) **ARC 3111B** 1221
- Notice, Evaluator endorsement and license, 20.1 to 20.9, 20.51 to 20.60 **ARC 3112B** 1223

HUMAN SERVICES DEPARTMENT[441]

- Notice, FIP and PROMISE JOBS, 40.22(5), 41.24, 41.25(6), 41.30(3), 93.103 to 93.106, 93.108 to 93.116, 93.118, 93.121, 93.123, 93.129, 93.134, 93.135, 93.137 to 93.140, 93.143, 93.151 **ARC 3114B** 1224
- Notice, Medicaid coverage for maternal health centers; expansion of staff degree areas—delivery of care coordination and psychosocial services, 78.25, 79.1(2) **ARC 3115B** 1232
- Notice, County and multicounty juvenile detention homes and county and multicounty juvenile shelter care homes, 105.1, 105.2(12), 105.3(3), 105.8(6), 105.9, 105.10(1), 105.18(2), 105.19, 105.21 **ARC 3116B** 1233
- Notice, Foster care placement category—supervised apartment living, 108.1, 108.6(3), 108.10, 150.3(3), 156.1, 156.8, 156.12, 156.15, 156.20, 185.64, 185.86, 202.3(3), 202.9, 202.11(2) **ARC 3117B** 1235
- Filed Emergency After Notice, County applications for risk pool funding—change in annual deadline, 25.61 to 25.64 **ARC 3108B** 1245

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]"umbrella"

- Notice, Use of credit information in personal insurance, 20.12 **ARC 3106B** 1238

PREFACE

The Iowa Administrative Bulletin is published biweekly in pamphlet form pursuant to Iowa Code chapters 2B and 17A and contains Notices of Intended Action on rules, Filed and Filed Emergency rules by state agencies.

It also contains Proclamations and Executive Orders of the Governor which are general and permanent in nature; Economic Impact Statements to proposed rules and filed emergency rules; Objections filed by Administrative Rules Review Committee, Governor or the Attorney General; and Delay by the Committee of the effective date of filed rules; Regulatory Flexibility Analyses and Agenda for monthly Administrative Rules Review Committee meetings. Other “materials deemed fitting and proper by the Administrative Rules Review Committee” include summaries of Public Hearings, Attorney General Opinions and Supreme Court Decisions.

The Bulletin may also contain Public Funds Interest Rates [12C.6]; Workers’ Compensation Rate Filings [515A.6(7)]; Usury [535.2(3)“a”]; Agricultural Credit Corporation Maximum Loan Rates [535.12]; and Regional Banking—Notice of Application and Hearing [524.1905(2)].

PLEASE NOTE: *Italics* indicate new material added to existing rules; ~~strike-through letters~~ indicate deleted material.

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**LANDSCAPE ARCHITECTURAL
EXAMINING BOARD[193D]**

Professional Licensing and Regulation Division[193]
COMMERCE DEPARTMENT[181]"umbrella"

Notice, Fee—replacement of licensee's
wall certificate, 2.10 **ARC 3113B** 1241

MEDICAL EXAMINERS BOARD[653]

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Delay, Physician supervision of a physician
assistant—grounds for discipline, 21.4 1254

PUBLIC HEARINGS

Summarized list 1214

REVENUE DEPARTMENT[701]

Filed, Property rehabilitation tax credits—
projects located in cultural and
entertainment districts; university-based
research utilization program tax credit,
42.15(2), 42.21, 52.18(2), 52.24
ARC 3100B 1250

SECRETARY OF STATE[721]

Notice, Accessibility of polling places to
persons with disabilities, 21.50(4)
ARC 3101B 1241

TREASURER OF STATE

Notice—Public funds interest rates 1241

UTILITIES DIVISION[199]

COMMERCE DEPARTMENT[181]"umbrella"

Filed, Iowa broadband initiative, ch 43
ARC 3118B 1250

**VOLUNTEER SERVICE, IOWA
COMMISSION ON[555]**

Notice, Quorum of voting members;
appeals process for staff and committee
decisions, 1.1, 1.2, 5.1 **ARC 3107B** 1242

CITATION of Administrative Rules

The Iowa Administrative Code shall be cited as (agency identification number) IAC
(chapter, rule, subrule, lettered paragraph, or numbered subparagraph).

441 IAC 79 (Chapter)

441 IAC 79.1(249A) (Rule)

441 IAC 79.1(1) (Subrule)

441 IAC 79.1(1)"a" (Paragraph)

441 IAC 79.1(1)"a"(1) (Subparagraph)

The Iowa Administrative Bulletin shall be cited as IAB (volume), (number), (publication
date), (page number), (ARC number).

Schedule for Rule Making 2004

NOTICE SUBMISSION DEADLINE	NOTICE PUB. DATE	HEARING OR COMMENTS 20 DAYS	FIRST POSSIBLE ADOPTION DATE 35 DAYS	ADOPTED FILING DEADLINE	ADOPTED PUB. DATE	FIRST POSSIBLE EFFECTIVE DATE	POSSIBLE EXPIRATION OF NOTICE 180 DAYS
Jan. 2 '04	Jan. 21 '04	Feb. 10 '04	Feb. 25 '04	Feb. 27 '04	Mar. 17 '04	Apr. 21 '04	July 19 '04
Jan. 16	Feb. 4	Feb. 24	Mar. 10	Mar. 12	Mar. 31	May 5	Aug. 2
Jan. 30	Feb. 18	Mar. 9	Mar. 24	Mar. 26	Apr. 14	May 19	Aug. 16
Feb. 13	Mar. 3	Mar. 23	Apr. 7	Apr. 9	Apr. 28	June 2	Aug. 30
Feb. 27	Mar. 17	Apr. 6	Apr. 21	Apr. 23	May 12	June 16	Sept. 13
Mar. 12	Mar. 31	Apr. 20	May 5	May 7	May 26	June 30	Sept. 27
Mar. 26	Apr. 14	May 4	May 19	May 21	June 9	July 14	Oct. 11
Apr. 9	Apr. 28	May 18	June 2	June 4	June 23	July 28	Oct. 25
Apr. 23	May 12	June 1	June 16	June 18	July 7	Aug. 11	Nov. 8
May 7	May 26	June 15	June 30	July 2	July 21	Aug. 25	Nov. 22
May 21	June 9	June 29	July 14	July 16	Aug. 4	Sept. 8	Dec. 6
June 4	June 23	July 13	July 28	July 30	Aug. 18	Sept. 22	Dec. 20
June 18	July 7	July 27	Aug. 11	Aug. 13	Sept. 1	Oct. 6	Jan. 3 '05
July 2	July 21	Aug. 10	Aug. 25	Aug. 27	Sept. 15	Oct. 20	Jan. 17 '05
July 16	Aug. 4	Aug. 24	Sept. 8	Sept. 10	Sept. 29	Nov. 3	Jan. 31 '05
July 30	Aug. 18	Sept. 7	Sept. 22	Sept. 24	Oct. 13	Nov. 17	Feb. 14 '05
Aug. 13	Sept. 1	Sept. 21	Oct. 6	Oct. 8	Oct. 27	Dec. 1	Feb. 28 '05
Aug. 27	Sept. 15	Oct. 5	Oct. 20	Oct. 22	Nov. 10	Dec. 15	Mar. 14 '05
Sept. 10	Sept. 29	Oct. 19	Nov. 3	Nov. 5	Nov. 24	Dec. 29	Mar. 28 '05
Sept. 24	Oct. 13	Nov. 2	Nov. 17	***Nov. 17***	Dec. 8	Jan. 12 '05	Apr. 11 '05
Oct. 8	Oct. 27	Nov. 16	Dec. 1	Dec. 3	Dec. 22	Jan. 26 '05	Apr. 25 '05
Oct. 22	Nov. 10	Nov. 30	Dec. 15	***Dec. 15***	Jan. 5 '05	Feb. 9 '05	May 9 '05
Nov. 5	Nov. 24	Dec. 14	Dec. 29	Dec. 31	Jan. 19 '05	Feb. 23 '05	May 23 '05
Nov. 17	Dec. 8	Dec. 28	Jan. 12 '05	Jan. 14 '05	Feb. 2 '05	Mar. 9 '05	June 6 '05
Dec. 3	Dec. 22	Jan. 11 '05	Jan. 26 '05	Jan. 28 '05	Feb. 16 '05	Mar. 23 '05	June 20 '05
Dec. 15	Jan. 5 '05	Jan. 25 '05	Feb. 9 '05	Feb. 11 '05	Mar. 2 '05	Apr. 6 '05	July 4 '05
Dec. 31	Jan. 19 '05	Feb. 8 '05	Feb. 23 '05	Feb. 25 '05	Mar. 16 '05	Apr. 20 '05	July 18 '05

PRINTING SCHEDULE FOR IAB

ISSUE NUMBER

SUBMISSION DEADLINE

ISSUE DATE

17

Friday, January 30, 2004

February 18, 2004

18

Friday, February 13, 2004

March 3, 2004

19

Friday, February 27, 2004

March 17, 2004

PLEASE NOTE:

Rules will not be accepted after **12 o'clock noon** on the Friday filing deadline days unless prior approval has been received from the Administrative Rules Coordinator's office.

If the filing deadline falls on a legal holiday, submissions made on the following Monday will be accepted.

Note change of filing deadline

PUBLICATION PROCEDURES

TO: Administrative Rules Coordinators and Text Processors of State Agencies
FROM: Kathleen K. Bates, Iowa Administrative Code Editor
SUBJECT: Publication of Rules in Iowa Administrative Bulletin

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The Administrative Rules Review Committee will hold a special meeting on Monday, February 9, 2004, at 9 a.m. in Room 116, State Capitol, Des Moines, Iowa. The following rules will be reviewed:

ADMINISTRATIVE SERVICES DEPARTMENT[11]

- Public records and fair information practices, adopt ch 4; rescind 401—ch 2, 471—ch 2,
581—ch 17, Filed **ARC 3087B** 1/7/04
- Waivers, adopt ch 9; rescind 401—ch 20, 471—ch 7,
581—ch 33, Filed **ARC 3085B** 1/7/04
- Information technology operational standards; information technology development strategies
and activities, renumber 471—chs 12, 15 as 11—chs 25, 26; amend 25.1, 25.2(1), 25.2(2),
25.4(1), 25.4(3), 25.5(1), 25.5(2), 25.6 to 25.8, Filed **ARC 3105B** 1/21/04
- Human resources definitions, renumber 581—ch 1 as 11—ch 50; amend 50.1,
Filed **ARC 3104B** 1/21/04
- Coverage and exclusions; job classification; separations,
disciplinary actions and reduction in force; grievances and appeals,
renumber 581—chs 2, 3, 11, 12 as 11—chs 51, 52, 60, 61; amend 51.2,
51.4, 52.4(4), 52.4(6), 52.5(4), 52.5(6), 52.7, 60.2(4) to 60.2(6), 60.3(7),
61.1, Filed **ARC 3103B** 1/21/04
- Employee leave, renumber 581—ch 14 as 11—ch 63;
amend 63.4(2), 63.10, Filed **ARC 3083B** 1/7/04
- Performance review; equal employment opportunity and affirmative action,
renumber 581—chs 13, 20 as 11—chs 62, 68; amend 62.1, 62.2(1), 62.2(2), 62.3, 68.1,
68.2(2), 68.3(2) to 68.3(4), 68.3(6)“d”(4), 68.3(7), 68.5, 68.6, Notice **ARC 3082B** 1/7/04
- Benefits, adopt ch 64, rescind 581—ch 15, Filed **ARC 3086B** 1/7/04
- Combined charitable campaign, renumber 581—ch 25 as 11—ch 71; amend 71.3(4),
71.3(5), 71.4, 71.4(1), 71.4(3), 71.4(4)“a” and “e,” Filed **ARC 3084B** 1/7/04
- Terrace Hill, renumber 401—chs 14, 16 as 11—chs 114, 116; amend 114.7(1),
Filed **ARC 3102B** 1/21/04

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

- Weights and measures, 85.2, 85.3, 85.5, 85.12, 85.17, 85.18(3) to 85.18(7),
85.29, 85.37, 85.39, 85.42, 85.48(11), 85.53(1), Notice **ARC 3079B** 1/7/04

ATTORNEY GENERAL[61]

- Crime victim assistance program—waivers, disability statements,
9.25, 9.35(10), 9.37, Notice **ARC 3098B** 1/21/04
- Crime victim assistance program—medical procedures authorized for payment,
maximum limit of fees charged by physicians and examination facilities,
9.80, 9.81, 9.83(1), 9.83(2), Notice **ARC 3099B** 1/21/04

CULTURAL AFFAIRS DEPARTMENT[221]

- Cultural and entertainment districts, adopt ch 9, Notice **ARC 3110B** 1/21/04

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

- University-based research utilization program, adopt ch 63, Filed **ARC 3109B** 1/21/04

EDUCATIONAL EXAMINERS BOARD[282]

EDUCATION DEPARTMENT[281]“umbrella”

- Superintendent/AEA administrator endorsement, 14.142(3),
14.142(4), Notice **ARC 3111B** 1/21/04
- Criteria of professional practices; criteria of competent performance;
code of professional conduct and ethics, rescind chs 12, 13;
adopt ch 25, Notice **ARC 3089B** 1/7/04
- Special education endorsements—classification of licenses,
15.3(8)“c,” 15.4, Filed **ARC 3088B** 1/7/04
- Evaluator endorsement and license, ch 20 title and preamble,
20.1 to 20.9, 20.51 to 20.60, Notice **ARC 3112B** 1/21/04
- Code of rights and responsibilities, adopt ch 26, Notice **ARC 3090B** 1/7/04

ENVIRONMENTAL PROTECTION COMMISSION[567]

NATURAL RESOURCES DEPARTMENT[561]“umbrella”

- Animal feeding operations—health effects value (HEV),
20.2; adopt ch 32, Notice **ARC 3092B** 1/7/04
- Drinking water, amendments to chs 40 to 44, 81, 83, Filed **ARC 3094B** 1/7/04

HUMAN SERVICES DEPARTMENT[441]

- Risk pool funding, 25.61, 25.62, 25.62(4)“b,”
25.62(5)“a” and “b,” 25.62(6), 25.63(1) to 25.63(3),
25.64, Filed Emergency After Notice **ARC 3108B** 1/21/04
- Fiscal procedure used to apply credits due counties from a state institution
or institutional program, 28.13(2)“c,” Filed **ARC 3074B** 1/7/04
- Family investment program (FIP); PROMISE JOBS program, 40.22(5)“a,” 41.24,
41.24(1)“c,” 41.24(4)“c,” 41.24(6), 41.24(8), 41.24(8)“c”(3), 41.24(8)“d,”
41.24(8)“d”(1) and (3), 41.24(9), 41.24(10)“g,” 41.25(6), 41.30(3)“e,” ch 93 div II preamble,
93.103, 93.104(1), 93.104(2), 93.104(4), 93.105(2), 93.106(1)“a” and “b,” 93.106(2),
93.108(2), 93.109, 93.109(1)“c,” 93.109(2), 93.109(2)“a”(1) and (2), 93.109(2)“b”(1),
93.109(2)“i,” 93.110(6), 93.111, 93.111(1), 93.111(1)“a,” 93.111(1)“a”(3) and (4),
93.111(1)“e,” 93.111(1)“g”(1), 93.111(2), 93.111(3)“b” and “c,” 93.111(5), 93.112,
93.112(1)“f,” 93.112(2), 93.112(2)“a” and “c,” 93.112(3), 93.112(3)“a,” 93.113(2),
93.114, 93.114(1)“d,” 93.114(14)“c,” 93.115(1)“a,” 93.116(3), 93.118, 93.121(1)“a,”
93.121(3), 93.121(5), 93.121(7), 93.121(8), 93.123(2), 93.123(2)“i,” 93.123(3)“a,”
93.123(4), 93.129, 93.134, 93.135(2)“e,” 93.135(3), 93.137, 93.138(3)“c,” 93.139“1,”
93.140(1), 93.143, 93.151, 93.151(5)“a,” Notice **ARC 3114B** 1/21/04
- Valid Medicaid applications—addition of on-line HAWK-I application, 76.1,
76.1(1)“b,” 76.1(2)“c,” 76.1(6), Filed Emergency After Notice **ARC 3075B** 1/7/04
- Maternal health centers—coverage to include local nonemergency medical transportation;
acceptable degrees for staff who deliver care coordination and psychosocial services,
78.25, 78.25(2)“d,” 78.25(3), 78.25(3)“a” and “d,” 79.1(2), Notice **ARC 3115B** 1/21/04
- HAWK-I program, 86.2(2)“a”(2), 86.2(3)“b,” 86.3(2), 86.3(4),
Filed Emergency After Notice **ARC 3072B** 1/7/04
- County and multicounty juvenile detention homes and juvenile shelter care homes,
105.1, 105.2(12)“f,” 105.3(3)“g,” “i” and “j,” 105.8(6), 105.9, 105.10(1),
105.18(2), 105.19, 105.19(1), 105.19(4), 105.21, Notice **ARC 3116B** 1/21/04
- Foster care—independent living placement, ch 108 preamble, 108.1, 108.6(3),
108.10, 150.3(3)“j”(2), 150.3(3)“p”(2), 156.1, 156.8(2), 156.8(6), 156.12,
156.15, 156.20(1)“b”(1) and (2), 156.20(2), 185.64, ch 185 div V preamble,
185.86, 202.3(3)“c,” 202.9, 202.11(2), Notice **ARC 3117B** 1/21/04
- Child care assistance funding—sanctions for fraud, ch 170 preamble, 170.1,
170.4(3)“b” and “c,” 170.4(7)“a” tables I and II, 170.4(7)“a”(1),
170.7, Filed **ARC 3076B** 1/7/04
- Rehabilitative treatment group care service—provision of therapy and counseling;
overpayments, 185.13(2)“e”(3), 185.83(1), 185.83(1)“a,” 185.83(2)“a,”
185.83(3)“a,” 185.83(5), ch 185 div VIII, 185.126,
Notice **ARC 3073B**, also Filed Emergency **ARC 3078B** 1/7/04
- Eligibility for adoption subsidies, 201.3(3), Filed Without Notice **ARC 3077B** 1/7/04

INSPECTIONS AND APPEALS DEPARTMENT[481]

- Long-term care facility admission procedures—determination of veterans’ eligibility for benefits,
58.12(1)“l,” 64.6, 65.10“10,” Notice **ARC 3081B** 1/7/04
- Registration of electrical and mechanical amusement devices, 104.1, 104.3,
104.4(3)“f” and “g,” 104.6“1,” adopt ch 105, Filed **ARC 3080B** 1/7/04

INSURANCE DIVISION[191]

COMMERCE DEPARTMENT[181]“umbrella”

- Use of credit information in personal insurance, 20.12, Notice **ARC 3106B** 1/21/04

IOWA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM[495]

- Organization; investment board; benefits advisory committee; administrative procedures;
federal social security; qualified benefits arrangement; waivers, adopt chs 1 to 3, 17, 19,
22, 26, 30 to 33; rescind 581—21.1, 581—21.9, 581—21.32, 581—21.33,
581—ch 22, Filed **ARC 3095B** 1/7/04

LANDSCAPE ARCHITECTURAL EXAMINING BOARD[193D]

Professional Licensing and Regulation Division[193]

COMMERCE DEPARTMENT[181]“umbrella”

- Wall certificate replacement fee, 2.10, Notice **ARC 3113B** 1/21/04

MANAGEMENT DEPARTMENT[541]

- Local government innovation fund committee,
adopt ch 15, Filed Emergency After Notice **ARC 3069B** 1/7/04

NATURAL RESOURCE COMMISSION[571]

NATURAL RESOURCES DEPARTMENT[561]"umbrella"

Resource enhancement and protection (REAP) program,

33.5(1), 33.22, 33.30(4)"f" and "g," 33.40(5),

33.50(4), 33.50(5), Filed **ARC 3091B** 1/7/04

Boat motor regulations—Middle River State Park Lakes, Warren County,

45.4(2), Notice **ARC 3093B** 1/7/04**PROFESSIONAL LICENSURE DIVISION[645]**

PUBLIC HEALTH DEPARTMENT[641]"umbrella"

Behavioral science examiners, 30.4(2), 30.4(3), 30.6(3), 30.6(4),

31.5(2)"b"(3), 31.5(3), 31.5(4), 31.10, 31.13 to 31.15,

ch 33, 34.1(5) to 34.1(9), Filed **ARC 3070B** 1/7/04**REVENUE DEPARTMENT[701]**Property rehabilitation tax credits for projects located in cultural
and entertainment districts; university-based research utilization programtax credit, 42.15(2), 42.21, 52.18(2), 52.24, Filed **ARC 3100B** 1/21/04**SECRETARY OF STATE[721]**

Election emergency situations—voting after the statutory hour for closing the polls,

21.1(12), Notice **ARC 3067B** 1/7/04

Polling place accessibility—definition of "off-street parking,"

21.50(4), Notice **ARC 3101B** 1/21/04

Local sales and services tax elections—forms for petitions and motions,

21.803(1)"a" and "b," 21.803(3), 21.803(3)"d," Notice **ARC 3068B** 1/7/04**TRANSPORTATION DEPARTMENT[761]**

Airport improvement program; commercial air service marketing program;

commercial air service vertical infrastructure program; Iowa airport registration,

700.2, 710.3, 710.4(3)"b," 710.5(3), 715.3(3), 715.4, 715.5, 715.7,

715.7(5), ch 716 title, 716.1, 716.3, 716.5(1) to 716.5(3), 716.6, 716.7(2),

716.8(3), 720.4(1), 720.4(5), 720.4(6), 720.5(1), 720.10(2)"b,"

720.10(3)"a," Filed **ARC 3097B** 1/7/04

General aviation hangar revolving loan fund,

rescind ch 718, Filed **ARC 3096B** 1/7/04**UTILITIES DIVISION[199]**

COMMERCE DEPARTMENT[181]"umbrella"

Crossing of railroad rights-of-way—insurance provisions,

42.1, 42.9(3), 42.9(4), 42.9(7), Filed Emergency **ARC 3071B** 1/7/04Iowa broadband initiative, adopt ch 43, Filed **ARC 3118B** 1/21/04**VOLUNTEER SERVICE, IOWA COMMISSION ON[555]**

Organization and operation of commission; appeals,

1.1, 1.2, 5.1, Notice **ARC 3107B** 1/21/04

ADMINISTRATIVE RULES REVIEW COMMITTEE MEMBERS

Regular statutory meetings are held the second Tuesday of each month at the seat of government as provided in Iowa Code section 17A.8. A special meeting may be called by the Chair at any place in the state and at any time.

EDITOR'S NOTE: Terms ending April 30, 2007.

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3533 Fenton Avenue
Stratford, Iowa 50249

Representative Marcella R. Frevert
P.O. Box 324
Emmetsburg, Iowa 50536

Representative David Heaton
510 East Washington
Mt. Pleasant, Iowa 52641

Representative Geri Huser
213 Seventh Street NW
Altoona, Iowa 50009

Brian Gentry
Administrative Rules Coordinator
Governor's Ex Officio Representative
Capitol, Room 11
Des Moines, Iowa 50319

To All Agencies:

The Administrative Rules Review Committee voted to request that Agencies comply with Iowa Code section 17A.4(1)“b” by allowing the opportunity for oral presentation (hearing) to be held at least **twenty** days after publication of Notice in the Iowa Administrative Bulletin.

AGENCY	HEARING LOCATION	DATE AND TIME OF HEARING
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ATTORNEY GENERAL[61]

Crime victim compensation, ch 9 div II, 9.25, 9.35(10), 9.37 IAB 1/21/04 ARC 3098B	Conference Room, Ground Floor Lucas State Office Bldg. Des Moines, Iowa	February 10, 2004 10 a.m.
Sexual abuse examination payment, ch 9 div IV, 9.80, 9.81, 9.83 IAB 1/21/04 ARC 3099B	Conference Room, Ground Floor Lucas State Office Bldg. Des Moines, Iowa	February 10, 2004 10 a.m.

CULTURAL AFFAIRS DEPARTMENT[221]

Cultural and entertainment districts, ch 9 IAB 1/21/04 ARC 3110B	Tone Board Room, Third Floor West Historical Bldg. 600 E. Locust Des Moines, Iowa	February 11, 2004 10 to 11 a.m.
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EDUCATIONAL EXAMINERS BOARD[282]

Code of professional conduct and ethics, rescind chs 12, 13; adopt ch 25 IAB 1/7/04 ARC 3089B	Room 3 North Third Floor Grimes State Office Bldg. Des Moines, Iowa	February 24, 2004 1 p.m.
Superintendent/AEA administrator endorsement, 14.142 IAB 1/21/04 ARC 3111B	Room 3 North Third Floor Grimes State Office Bldg. Des Moines, Iowa	February 10, 2004 1 p.m.
Evaluator endorsement and license, 20.1 to 20.60 IAB 1/21/04 ARC 3112B	Room 3 North Third Floor Grimes State Office Bldg. Des Moines, Iowa	February 10, 2004 2 p.m.
Code of rights and responsibilities, adopt ch 26 IAB 1/7/04 ARC 3090B	Room 3 North Third Floor Grimes State Office Bldg. Des Moines, Iowa	February 24, 2004 2 p.m.

ENVIRONMENTAL PROTECTION COMMISSION[567]

Animal feeding operations—health effects value and health effects standard for hydrogen sulfide, 20.2, adopt ch 32 IAB 1/7/04 ARC 3092B	Gateway North Center 1900 N. Grand Ave. Spencer, Iowa	February 17, 2004 7 p.m.
	Iowa Western Community College 906 Sunnyside Ln. Atlantic, Iowa	February 25, 2004 7 p.m.
	Public Library 225 Second St. SE Mason City, Iowa	March 3, 2004 6 p.m.

ENVIRONMENTAL PROTECTION COMMISSION[567] (Cont'd)

Public Library
321 Main St.
Davenport, Iowa

March 8, 2004
6:30 p.m.

Public Library
3520 86th St.
Urbandale, Iowa

March 11, 2004
7 p.m.

INSPECTIONS AND APPEALS DEPARTMENT[481]

Identification of long-term care
facility residents' eligibility for
veterans' benefits,
58.12(1), 64.6, 65.10
IAB 1/7/04 **ARC 3081B**

Conference Room 319
Lucas State Office Bldg.
Des Moines, Iowa

January 28, 2004
10 a.m.

INSURANCE DIVISION[191]

Use of credit information in personal
insurance, 20.12
IAB 1/21/04 **ARC 3106B**

330 Maple St.
Des Moines, Iowa

February 11, 2004
10 a.m.

NATURAL RESOURCE COMMISSION[571]

Boat motor regulations—Middle River
State Park Lakes, 45.4(2)
IAB 1/7/04 **ARC 3093B**

Fourth Floor West Conference Room
Wallace State Office Bldg.
Des Moines, Iowa

January 27, 2004
9 a.m.

PUBLIC SAFETY DEPARTMENT[661]

Fire fighting equipment revolving
loan fund, 55.1 to 55.207
IAB 12/24/03 **ARC 3051B**

Fire Service Training Bureau
3100 Fire Service Road
Ames, Iowa

February 5, 2004
11 a.m.

UTILITIES DIVISION[199]

Notice of generation siting waiver
requests, 24.15
IAB 12/24/03 **ARC 3064B**

Hearing Room
350 Maple St.
Des Moines, Iowa

January 27, 2004
10 a.m.

VOLUNTEER SERVICE, IOWA COMMISSION ON[555]

Organization and operation; due
process, 1.1, 1.2, 5.1
IAB 1/21/04 **ARC 3107B**

Main Conference Room, Second Floor
200 E. Grand Ave.
Des Moines, Iowa

February 10, 2004
11 a.m.

Due to reorganization of state government by 1986 Iowa Acts, chapter 1245, it was necessary to revise the agency identification numbering system, i.e., the bracketed number following the agency name.

“Umbrella” agencies and elected officials are set out below at the left-hand margin in CAPITAL letters.

Divisions (boards, commissions, etc.) are indented and set out in lowercase type under their statutory “umbrellas.”

Other autonomous agencies which were not included in the original reorganization legislation as “umbrella” agencies are included alphabetically in small capitals at the left-hand margin, e.g., BEEF INDUSTRY COUNCIL, IOWA[101].

The following list will be updated as changes occur:

ADMINISTRATIVE SERVICES DEPARTMENT[11]

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Agricultural Development Authority[25]

Soil Conservation Division[27]

ATTORNEY GENERAL[61]

AUDITOR OF STATE[81]

BEEF INDUSTRY COUNCIL, IOWA[101]

BLIND, DEPARTMENT FOR THE[111]

CAPITAL INVESTMENT BOARD, IOWA[123]

CITIZENS’ AIDE[141]

CIVIL RIGHTS COMMISSION[161]

COMMERCE DEPARTMENT[181]

Alcoholic Beverages Division[185]

Banking Division[187]

Credit Union Division[189]

Insurance Division[191]

Professional Licensing and Regulation Division[193]

Accountancy Examining Board[193A]

Architectural Examining Board[193B]

Engineering and Land Surveying Examining Board[193C]

Landscape Architectural Examining Board[193D]

Real Estate Commission[193E]

Real Estate Appraiser Examining Board[193F]

Savings and Loan Division[197]

Utilities Division[199]

CORRECTIONS DEPARTMENT[201]

Parole Board[205]

CULTURAL AFFAIRS DEPARTMENT[221]

Arts Division[222]

Historical Division[223]

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261]

City Development Board[263]

Grow Iowa Values Board[264]

Iowa Finance Authority[265]

EDUCATION DEPARTMENT[281]

Educational Examiners Board[282]

College Student Aid Commission[283]

Higher Education Loan Authority[284]

Iowa Advance Funding Authority[285]

Libraries and Information Services Division[286]

Public Broadcasting Division[288]

School Budget Review Committee[289]

EGG COUNCIL, IOWA[301]

ELDER AFFAIRS DEPARTMENT[321]

EMPOWERMENT BOARD, IOWA[349]

ETHICS AND CAMPAIGN DISCLOSURE BOARD, IOWA[351]

EXECUTIVE COUNCIL[361]

FAIR BOARD[371]

GENERAL SERVICES DEPARTMENT[401]

HUMAN INVESTMENT COUNCIL[417]

HUMAN RIGHTS DEPARTMENT[421]

Community Action Agencies Division[427]

Criminal and Juvenile Justice Planning Division[428]

Deaf Services Division[429]

Persons With Disabilities Division[431]

Latino Affairs Division[433]

Status of African-Americans, Division on the[434]

Status of Women Division[435]

HUMAN SERVICES DEPARTMENT[441]
INFORMATION TECHNOLOGY DEPARTMENT[471]
INSPECTIONS AND APPEALS DEPARTMENT[481]
 Employment Appeal Board[486]
 Foster Care Review Board[489]
 Racing and Gaming Commission[491]
 State Public Defender[493]
IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]
LAW ENFORCEMENT ACADEMY[501]
LIVESTOCK HEALTH ADVISORY COUNCIL[521]
LOTTERY AUTHORITY, IOWA[531]
MANAGEMENT DEPARTMENT[541]
 Appeal Board, State[543]
 City Finance Committee[545]
 County Finance Committee[547]
NARCOTICS ENFORCEMENT ADVISORY COUNCIL[551]
VOLUNTEER SERVICE, IOWA COMMISSION ON[555]
NATURAL RESOURCES DEPARTMENT[561]
 Energy and Geological Resources Division[565]
 Environmental Protection Commission[567]
 Natural Resource Commission[571]
 Preserves, State Advisory Board for[575]
PERSONNEL DEPARTMENT[581]
PETROLEUM UNDERGROUND STORAGE TANK FUND
 BOARD, IOWA COMPREHENSIVE[591]
PREVENTION OF DISABILITIES POLICY COUNCIL[597]
PUBLIC DEFENSE DEPARTMENT[601]
 Emergency Management Division[605]
 Military Division[611]
PUBLIC EMPLOYMENT RELATIONS BOARD[621]
PUBLIC HEALTH DEPARTMENT[641]
 Substance Abuse Commission[643]
 Professional Licensure Division[645]
 Dental Examiners Board[650]
 Medical Examiners Board[653]
 Nursing Board[655]
 Pharmacy Examiners Board[657]
PUBLIC SAFETY DEPARTMENT[661]
RECORDS COMMISSION[671]
REGENTS BOARD[681]
 Archaeologist[685]
REVENUE DEPARTMENT[701]
SECRETARY OF STATE[721]
SEED CAPITAL CORPORATION, IOWA[727]
SHEEP AND WOOL PROMOTION BOARD, IOWA[741]
TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION, IOWA[751]
TRANSPORTATION DEPARTMENT[761]
 Railway Finance Authority[765]
TREASURER OF STATE[781]
TURKEY MARKETING COUNCIL, IOWA[787]
UNIFORM STATE LAWS COMMISSION[791]
VETERANS AFFAIRS COMMISSION[801]
VETERINARY MEDICINE BOARD[811]
VOTER REGISTRATION COMMISSION[821]
WORKFORCE DEVELOPMENT DEPARTMENT[871]
 Labor Services Division[875]
 Workers' Compensation Division[876]
 Workforce Development Board and
 Workforce Development Center Administration Division[877]

ARC 3098B

ATTORNEY GENERAL[61]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 915.82(2), the Crime Victim Assistance Board hereby gives Notice of Intended Action to amend Chapter 9, “Victim Assistance Program,” Iowa Administrative Code.

The proposed amendments correct the official address of the Crime Victim Assistance Division. The proposed amendments also provide a process for granting waivers from rules adopted by the Crime Victim Assistance Board governing the Crime Victim Compensation Program in the Crime Victim Assistance Division of the Department of Justice. The proposed amendments also authorize the Crime Victim Compensation Program to accept disability statements related to mental health disability from a licensed mental health provider on behalf of a crime victim.

Any interested person may make written suggestions or comments on the proposed amendments on or before February 10, 2004. Such written material should be directed to the Crime Victim Assistance Division, Lucas State Office Building, Des Moines, Iowa 50319; fax (515)281-8199. Persons who wish to convey their views orally should contact the Crime Victim Assistance Division at (515)281-5044 or at the Division offices on the ground floor of the Lucas State Office Building.

Also, there will be a public hearing on February 10, 2004, at 10 a.m. in the Conference Room, Crime Victim Assistance Division, Ground Floor, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

These amendments are intended to implement Iowa Code chapter 915.

The following amendments are proposed.

ITEM 1. Amend rule 61—9.25(915) as follows:

61—9.25(915) Administration of the crime victim compensation program. The crime victim assistance division of the department of justice shall administer the crime victim compensation program as provided in Iowa Code chapter 915. All questions, comments, requests for information, or applications for compensation shall be directed to the crime victim assistance division. Requests should be addressed to: Crime Victim Assistance Division, 400 Court Avenue, Suite 400, Lucas State Office Building, Ground Floor, 321 East 12th Street, Des Moines, Iowa 50319; telephone (515)281-5044 or 1-800-373-5044.

ITEM 2. Amend subrule 9.35(10) as follows:

9.35(10) Lost wages or income due to disability. Compensation shall be paid for lost wages incurred by an eligible crime victim within two weeks after injury from crime or an eligible survivor of a homicide victim for up to five days within two weeks after the death of a victim without an authorized disability statement. Compensation for lost wages may be paid to the spouse, child, or parent of the homicide

victim for up to one month without a disability statement as determined reasonable by the program. A victim or survivor of a homicide victim seeking lost wages for a longer period of time shall submit a disability statement from a licensed physician *for a physical injury or an injury related to mental health, or from a licensed mental health provider as included in paragraph 9.35(3)“a” for an injury related to mental health.* Compensation shall be made for lost wages under the following circumstances:

- a. No change.
- b. Lost hire income. Compensation may be paid when the victim has been hired by an employer but is unable to begin employment because of injury due to the crime, until ~~medically~~ released to work. Required documentation includes a signed affidavit by the employer.
- c. Employment terminated. Compensation may be paid when the victim is terminated from employment as a result of crime-related injuries, until ~~medically~~ released to seek work.
- d. No change.
- e. Unemployment ineligibility. Compensation may be paid for the amount of the victim’s unemployment benefit when the victim is rendered ineligible for unemployment benefits because of injury from the crime, until the victim is ~~medically~~ released to work.
- f. and g. No change.

ITEM 3. Adopt the following new rule:

61—9.37(17A) Waiver from rules. This rule establishes a uniform process for granting waivers from rules adopted by the board governing the crime victim compensation program.

9.37(1) When waiver is appropriate. The board may grant a waiver from a rule the board has adopted if the board has rule-making authority to promulgate the rule, and no statute or rule otherwise controls the granting of a waiver from the rule. No waiver may be granted from a rule that defines a term. No waiver may be granted from a requirement that is imposed by statute. Any waiver must be consistent with statute.

9.37(2) Criteria for discretionary waivers. The board may grant a waiver from a rule, in whole or in part, in response to a request from an applicant or on the board’s own motion, as applied to a specific claim, if the board finds that:

- a. The application of the rule to the claim at issue would result in hardship or injustice to the person seeking compensation; and
- b. The waiver would be consistent with the public interest or the public interest will be protected by other means substantially equivalent to full compliance with the rule; and
- c. The waiver in the specific case would not prejudice the substantial legal rights of any person.

9.37(3) Board discretion. The decision about whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the board, upon consideration of all relevant factors.

9.37(4) Criteria for mandatory waivers. In response to an applicant’s request, the board shall grant a waiver from a rule, in whole or in part, as applied to the particular circumstances, if the board finds that the application of the rule in that specific case would not, to any extent, advance or serve any of the purposes of the rule.

9.37(5) Administrative deadlines. When the rule from which a waiver is sought establishes deadlines, the board shall balance the specific individual circumstances of the applicant with the overall goal of uniform treatment of all applicants.

ATTORNEY GENERAL[61](cont'd)

9.37(6) Conditions. The board may condition the granting of a waiver on reasonable conditions to achieve the objectives of the particular rule in question through alternative means.

9.37(7) Public availability of waiver decisions. A board decision granting or denying a waiver shall be included in the board minutes with reference to the following:

- a. The particular case and the rule or portion thereof to which the decision pertains;
- b. The relevant facts and reasons upon which the action is based; and
- c. The scope and operative period of the waiver if one is issued.

Subject to the provisions of Iowa Code section 17A.3(1)"e," the department shall maintain a record of all orders granting and denying waivers under this chapter. All waiver decisions shall be indexed and available to members of the public at the crime victim assistance division office.

9.37(8) Voiding or cancellation. A waiver is void if the material facts upon which the request is based are not true or if material facts have been withheld. The board may at any time cancel a waiver upon notice to the victim by regular mail and an opportunity to be heard, if:

- a. The facts as stated in the request are not true or material facts have been withheld, or
- b. The applicant has failed to comply with the conditions of the waiver.

9.37(9) Effectiveness of waiver. After the board issues a waiver, a person seeking compensation may rely on the terms of that waiver for the purposes of the particular case for which it was issued. A waiver shall only be effective in the case for which it is issued.

9.37(10) Appeals from waiver decisions. Any request for an appeal from a decision granting or denying a waiver shall be in accordance with the procedures provided in Iowa Code chapter 17A and the board's rules. An appeal shall be taken within 30 days of the issuance of the waiver decision unless a contrary time is provided by rule or statute.

ARC 3099B

ATTORNEY GENERAL[61]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 915.82(2), the Crime Victim Assistance Board hereby gives Notice of Intended Action to amend Chapter 9, "Victim Assistance Program," Iowa Administrative Code.

The proposed amendments correct the address of the Crime Victim Assistance Division and the authorizing section of the Iowa Code. The amendments revise the description of medical procedures authorized for payment by the program. The amendments also revise the maximum limit of payment for the facility fee and the examiner fee related to evidentiary collection in cases of sexual abuse. Maximum examiner fees are increased per examination from \$100 to \$200, and maximum facility fees are increased from \$200 to \$300.

Any interested person may make written suggestions or comments on the proposed amendments on or before February 10, 2004. Such written material should be directed to the Crime Victim Assistance Division, Lucas State Office Building, Des Moines, Iowa 50319; fax (515)281-8199. Persons who wish to convey their views orally should contact the Crime Victim Assistance Division at (515)281-5044 or at the Division offices on the ground floor of the Lucas State Office Building.

Also, there will be a public hearing on February 10, 2004, at 10 a.m. in the Conference Room, Crime Victim Assistance Division, Ground Floor, Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

These amendments are intended to implement Iowa Code chapter 915.

The following amendments are proposed.

ITEM 1. Amend rules **61—9.80(709)** to **61—9.87(709)** by changing the parenthetical implementation from "709" to "915."

ITEM 2. Amend rule 61—9.80(915) as follows:

61—9.80(915) Administration of sexual abuse examination payment. The crime victim assistance program of the department of justice shall administer the sexual abuse examination program as provided in Iowa Code section ~~709.10~~ **915.41**. That section states in part:

"The cost of a medical examination for the purpose of gathering evidence and the cost of treatment for the purpose of preventing venereal disease shall be borne by the department of justice."

Requests for payment should be addressed to: Sexual Abuse Examination Payments, Crime Victim Assistance Division, ~~Old Historical Building,~~ *Lucas State Office Building, Ground Floor, 321 East 12th Street,* Des Moines, Iowa 50319; telephone (515)281-5044 or 1-800-373-5044.

ITEM 3. Amend rule **61—9.81(915)**, definition of "sexual abuse examination," as follows:

"Sexual abuse examination" means a medical examination provided to a woman, man, or child to collect evidence of sexual abuse as defined in Iowa Code sections 709.1 and 726.2 and provide treatment for the prevention of venereal disease pursuant to Iowa Code ~~chapter 709~~ **section 915.41**. When applicable, the provider of a sexual abuse examination shall file a child abuse report with the Iowa department of human services as required by Iowa Code section 232.70.

ITEM 4. Amend subrules 9.83(1) and 9.83(2) as follows:

9.83(1) Payment for examination. The department shall make payment for sexual abuse examinations, as appropriate, for the following services *including, but not limited to:*

- a. ~~Physician's~~ *Examiner's* fee for collection of:
 1. *(1) Patient's medical history;*
 2. *(2) Physical examination;*
 3. *(3) Collection of laboratory specimens;*
 4. ~~Two return~~ *Return* visits to test for venereal disease;
 5. *(5) Treatment for the prevention of venereal disease.*
- b. ~~Emergency department~~ *Examination facility.*
 1. *(1) Emergency room, clinic room, or office room fee;*
 2. *(2) Pelvic tray and medically required supplies.*
- c. *Laboratory collection and processing of specimens for: criminal evidence; sexually transmitted disease; and pregnancy testing.*

ATTORNEY GENERAL[61](cont'd)

- 1.—Wet mount for sperm,
- 2.—Fixed smear for sperm (pap),
- 3.—Swabs for:
Acid phosphatase,
ABH antigen.
- 4.—Blood typing,
- 5.—Serology for syphilis, and Hepatitis B,
- 6.—Cultures for gonorrhea, chlamydia, trichomonas, and
other sexually transmitted disease (STD),
- 7.—Pregnancy testing,
- 8.—Urinalysis,
- 9.—Other laboratory tests that are required for the purpose
of evidentiary examination.

9.83(2) Provider payment. The department will pay up to \$200 \$300 for the emergency room examination facility, or \$125 for a clinic or office room, and \$100 \$200 for physician fees. Any charges in excess of these amounts will require additional documentation from the provider. The crime victim assistance program will pay only those charges determined by the department to be reasonable and fair.

The department will not make payment for the cost of commercial or government prepared sexual abuse kits. The Iowa department of public safety division of criminal investigation makes sexual abuse examination kits available to medical providers at no cost.

ITEM 5. Amend **61—Chapter 9**, Division IV, implementation clause, as follows:

Rules 9.80(709 915) to 9.87(709 915) are intended to implement Iowa Code section 709.40 915.41.

ARC 3110B

CULTURAL AFFAIRS DEPARTMENT[221]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 303.1 and 303.1A, the Department of Cultural Affairs hereby gives Notice of Intended Action to adopt new Chapter 9, “Cultural and Entertainment Districts,” Iowa Administrative Code.

The proposed new rules implement the Cultural and Entertainment District Program as authorized by 2003 Iowa Acts, First Extraordinary Session, House File 692, and House File 683. The rules establish the application procedures, evaluation criteria, district certification, compliance requirements, and incentive components of the program.

Public comments concerning the proposed rules will be accepted until 4:30 p.m. on February 11, 2004. Interested persons may submit written or oral comments by contacting Kathy Gourley, Department of Cultural Affairs, Historical Building, 600 East Locust Street, Des Moines, Iowa 50319-0290; fax (515)282-0502; kathy.gourley@iowa.gov. Persons who wish to convey their views orally should contact the Department of Cultural Affairs at (515)281-6913.

Also, there will be a public hearing on February 11, 2004, from 10 to 11 a.m. at the above address in the Tone Board Room, 3rd Floor West, at which time persons may present

their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rules.

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Department of Cultural Affairs and advise of specific needs.

These rules are intended to implement 2003 Iowa Acts, First Extraordinary Session, House File 692, and House File 683.

The following new chapter is proposed.

CHAPTER 9

CULTURAL AND ENTERTAINMENT DISTRICTS

221—9.1(80GA,HF683,HF692) Purpose. The purpose of cultural and entertainment districts is to encourage city and county governments, organizations, businesses, and individuals to enhance the quality of life for citizens of this state through developing and sustaining cultural facilities in a synergistic fashion. Certified cultural and entertainment districts will receive technical assistance from the department’s staff, will be eligible for certain incentives, and may have professional services of other state agencies to draw upon in order to facilitate the local program.

221—9.2(80GA,HF692) Definitions.

“Certified cultural and entertainment district” means a cultural and entertainment district that has been certified by the Iowa department of cultural affairs pursuant to these rules. A certified cultural and entertainment district must be a contiguous geographic area of no more than one square mile. Only certified cultural and entertainment districts are eligible for the incentives set forth in these rules.

“Cultural and entertainment district” means a well-recognized, labeled, compact mixed-use area in which a high concentration of cultural facilities serves as the anchor.

“Cultural facilities” are physical and cultural assets that play a vital role in the life and development of the community and contribute to the public through interpretive, educational, and recreational uses, including but not limited to museums, libraries, performance halls, studios, galleries, arts-related retail shops, music or media production houses, arboreta, and artist live/work spaces.

“Department” means the Iowa department of cultural affairs.

“Director” means the director of the Iowa department of cultural affairs.

221—9.3(80GA,HF692) Eligible applicants. All applicants shall represent a public-private partnership.

9.3(1) Public element of partnership. All cities and counties are eligible to serve as the public component of the partnership. Two or more cities or counties having a common boundary may join together to serve as the public component of the partnership.

9.3(2) Private element of partnership. A local community nonprofit organization is eligible to serve as the private component of the partnership. The local community nonprofit organization must have decision-making authority in the local cultural and entertainment district.

221—9.4(80GA,HF692) Program administration.

9.4(1) Administering agency. The cultural and entertainment district certification program will be administered by the Iowa department of cultural affairs.

9.4(2) Advisory council. The director shall appoint a cultural and entertainment district advisory council composed

CULTURAL AFFAIRS DEPARTMENT[221](cont'd)

of individuals knowledgeable in subjects including but not limited to historic preservation, arts, tourism, and economic development to advise the director on the various elements of the program. The advisory council shall have nine members, with three-year staggered terms. At least one member will be a representative from the Iowa department of economic development.

9.4(3) Request for proposals (RFP). The department will distribute a request for proposals that describes the cultural and entertainment district certification program, outlines eligibility requirements, and includes an application and a description of the application procedures.

9.4(4) Applications. The department shall develop and make available a standardized application pertaining to the certification of cultural and entertainment districts. Applications may be obtained by contacting the Department of Cultural Affairs, Historical Building, 600 East Locust Street, Des Moines, Iowa 50319-0290; telephone (515)281-5111; www.culturalaffairs.org.

9.4(5) Deadline. A completed application shall be returned to the department, postmarked no later than the date specified by the department in the RFP, and shall contain the information requested in the application.

221—9.5(80GA,HF692) Selection.

9.5(1) The department shall establish criteria for the selection of cultural and entertainment districts for certification. The following factors shall be considered:

- a. Management structure.
- b. Presence of cultural assets.
- c. Level of community support.
- d. Local incentives.
- e. Plan for developing and sustaining the district.

9.5(2) The director will determine the number of cultural and entertainment districts to be selected for certification.

9.5(3) Cultural and entertainment districts will be selected for certification on a competitive basis from the applications received.

9.5(4) Staff review. Applications shall be reviewed by department staff to ensure compliance with the program's administrative rules and guidelines. Applications meeting the requirements shall be forwarded to the advisory council.

9.5(5) Advisory council review. The advisory council will review applications and make recommendations to the director.

9.5(6) Final selection. The director shall make final certification decisions. The director reserves the right to withhold certification if applications submitted do not adequately achieve the purposes of the cultural and entertainment district certification program.

221—9.6(80GA,HF692) Certification.

9.6(1) Timing. At least annually, the director will announce the certification of cultural and entertainment districts. If no new certifications have been issued, the director will so state.

9.6(2) Compliance and termination. Certified cultural and entertainment districts must submit an annual report to the department. Continued certification is contingent upon acceptable performance. The department may terminate or suspend certification if there is a failure to report, a dissolution of the management structure, or a significant deviation from the plan for cultural development.

221—9.7(80GA,HF683,HF692) Incentives. The department shall encourage development projects and activities located in certified cultural and entertainment districts through incentives.

9.7(1) Owners of property located in certified cultural and entertainment districts may request tax benefits for substantial rehabilitation work on historic buildings. Property owners desiring these tax benefits shall make application under 223—Chapter 47 and shall comply with all requirements therein. Tax credits approved pursuant to Iowa Code section 404A.4 for projects located in certified cultural and entertainment districts are available for the fiscal years beginning July 1, 2005, and July 1, 2006. Tax credits allocated for certified cultural and entertainment district projects that are not approved during a fiscal year may be carried over to the succeeding fiscal year. The tax credits are not available after June 30, 2010.

9.7(2) The department shall provide incentives under cultural grant programs administered by the department. Specific incentives may be reflected in the application instructions for each grant program.

9.7(3) Additional incentives may from time to time be offered by the department, other state agencies, and other organizations.

221—9.8(80GA, HF692) Appeals. Eligible applicants may informally appeal a decision of the director not to certify a cultural and entertainment district on any of the following bases:

1. Action was outside statutory authority;
2. Decision was influenced by a conflict of interest;
3. Action violated state law, administrative rule, or written policy;
4. Insufficient public notice was given; and
5. Alteration of the review process was detrimental to the applicant.

Informal appeals shall be submitted in writing within 15 days of notice of the denial. All informal appeals shall be directed to the Director, Department of Cultural Affairs, Historical Building, 600 East Locust Street, Des Moines, Iowa 50319-0290. All informal appeals shall contain the facts of the case, argument in favor of the appeal, and remedy sought.

The director shall consider and rule on the informal appeal after receiving all documentation from the appellant and shall notify the appellant in writing of the decision within 30 days. Decisions by the director may be appealed through the contested case process as set out in Iowa Code sections 17A.10 to 17A.19.

These rules are intended to implement 2003 Iowa Acts, First Extraordinary Session, House File 692 and House File 683, and Iowa Code sections 303.1 and 303.1A.

ARC 3111B

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 14, “Issuance of Practition-

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

er's Licenses and Endorsements," Iowa Administrative Code.

The proposed amendments combine the superintendent endorsement with the AEA administrator endorsement and modify requirements to include national standards for school leaders.

A waiver provision is not included. The Board has adopted a uniform waiver rule.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Tuesday, February 10, 2004, at 1 p.m. in Room 3 North, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any interested person may make written comments or suggestions on the proposed amendments before 4 p.m. on Friday, February 13, 2004. Written comments and suggestions should be addressed to Dr. Anne E. Kruse, Executive Director, Board of Educational Examiners, at the above address, or sent by E-mail to anne.kruse@ed.state.ia.us, or by fax to (515)281-7669. Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

These amendments are intended to implement Iowa Code chapter 272.

The following amendments are proposed.

ITEM 1. Amend subrule 14.142(3) as follows:

14.142(3) Superintendent/AEA administrator.

a. Authorization. The holder of this endorsement is authorized to serve as a superintendent from the prekindergarten level through grade twelve *or as an AEA administrator*.

NOTE: This authorization does not permit general teaching, school service, or administration at any level except that level or area for which the holder *practitioner* is eligible or holds the specific endorsement(s).

b. Program requirements.

(1) Degree—specialist—(or its equivalent: A master's degree plus at least 30 semester hours of planned graduate study in administration beyond the master's degree).

(2) Content: ~~Completion~~ *Through completion* of a sequence of courses and experiences which may have been part of, or in addition to, the degree requirements. ~~This sequence is to be at least 45 semester hours to include the following, the administrator has knowledge and understanding of:~~

1. ~~General elementary level administration Models, theories, and practices that provide the basis for leading educational systems toward improving student performance.~~

2. ~~General early adolescent level administration Federal, state and local fiscal policies related to education.~~

3. ~~General secondary level administration Human resources management, including recruitment, personnel assistance and development, evaluation and negotiations.~~

4. ~~Elementary, early adolescent, and secondary school supervision Current legal issues in general and special education.~~

5. ~~Curriculum development Noninstructional support services management including but not limited to transportation, nutrition and facilities.~~

6. ~~School law.~~

7. ~~School finance.~~

8. ~~School plant/facility planning.~~

9. ~~School personnel/negotiations.~~

10. ~~Knowledge of school-community relationships/public relations.~~

11. ~~Administrative theory/principles of educational administration.~~

12. ~~Social, philosophical, or psychological foundations.~~

13. ~~Planned field experience in school administration.~~

14. ~~Evaluator approval component.~~

(3) *Practicum in PK-12 school administration. In the coursework and the practicum, the administrator facilitates processes and engages in activities for:*

1. *Developing a shared vision of learning through articulation, implementation, and stewardship.*

2. *Advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth.*

3. *Ensuring management of the organization, operations, and resources for a safe, efficient, and effective learning environment.*

4. *Collaborating with school staff, families, community members and boards of directors; responding to diverse community interests and needs; and mobilizing community resources.*

5. *Acting with integrity, fairness, and in an ethical manner.*

6. *Understanding, responding to, and influencing the larger political, social, economic, legal, and cultural context.*

c. Other.

(4) The applicant must have had three years of experience as a building principal or other PK-12 districtwide or area education agency administrative experience.

(2) ~~The applicant must have had three years of teaching experience at the early childhood through grade 12 levels.~~

(3) ~~Graduates from institutions in other states who are seeking initial Iowa licensure and the superintendent's endorsement must meet the requirements for the standard license in addition to the experience requirements. The requirement of three years of teaching experience may be met by a combination of teaching and administrative experience with the following stipulations. The applicant must have completed two years of teaching experience at the early childhood through grade 12 levels. If administrative experience is used in lieu of the third year of teaching experience, the applicant must have completed the administrative experience as a building principal or must have completed other PK-12 districtwide administrative experience.~~

ITEM 2. Rescind subrule **14.142(4)**.

ARC 3112B

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 20, “Evaluator License,” Iowa Administrative Code.

The proposed new rules are to accompany rule 281—83.5(284), Evaluator Approval Training, of the Department of Education. These proposed rules include the licensure requirements for the new evaluator endorsement or license as mandated in the Teacher Quality Bill (Iowa Code section 284.10).

A waiver provision is not included. The Board has adopted a uniform waiver rule.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Tuesday, February 10, 2004, at 2 p.m. in Room 3 North, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any interested person may make written comments or suggestions on the proposed amendments before 4 p.m. on Friday, February 13, 2004. Written comments and suggestions should be addressed to Dr. Anne E. Kruse, Executive Director, Board of Educational Examiners, at the above address, or sent by E-mail to anne.kruse@ed.state.ia.us, or by fax to (515)281-7669. Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

These amendments are intended to implement Iowa Code chapter 272.

The following amendments are proposed.

ITEM 1. Amend the chapter title for **282—Chapter 20** as follows:

CHAPTER 20 EVALUATOR ENDORSEMENT AND LICENSE

ITEM 2. Adopt the following **new** statement to appear before the first rule:

These rules are to accompany 281—83.5(284), Evaluator Approval Training, adopted by the Department of Education.

ITEM 3. Rescind and reserve rules **282—20.1(272)** to **282—20.9(272)**.

ITEM 4. Reserve rules **282—20.10** to **282—20.50**.

ITEM 5. Adopt the following **new** rules:

282—20.51(272) Evaluator endorsement and license. This endorsement or this license authorizes services as required by Iowa Code section 284.10.

282—20.52(272) Initial evaluator endorsement. To obtain this authorization as an endorsement on an administrative, evaluator, or teaching license, an applicant must complete the requirements as specified in 281—83.5(284).

282—20.53(272) Evaluator endorsement. The requirements for the evaluator endorsement shall be included in each program leading to administrative licensure and administrative endorsements in Iowa colleges and universities approved to offer these programs.

282—20.54(272) Applicants for administrative licensure. Each applicant for an initial administrative license shall have completed the evaluator endorsement requirements.

282—20.55(272) Evaluator license. Applicants may apply for the five-year evaluator license upon completion of the evaluator training required in Iowa Code section 284.10.

The fee for the evaluator license is \$50. If the term of the license extends beyond the term of the applicant’s valid administrative or evaluator license, the fee for the evaluator license will be prorated to equal \$10 per year of extension. The following provides examples of the prorated fees for this extension:

If the practitioner’s current license is extended by five years, the fee is \$50.

If the practitioner’s current license is extended by four years, the fee is \$40.

If the practitioner’s current license is extended by three years, the fee is \$30.

If the practitioner’s current license is extended by two years, the fee is \$20.

If the practitioner’s current license is extended by one year, the fee is \$10.

If the practitioner’s current license is extended by less than one year, the fee is \$10.

282—20.56(272) Out-of-state applicants. An out-of-state applicant who seeks an administrative license after July 1, 2003, will be granted a Class A license valid for one year in order to complete the evaluator endorsement requirements. If the person does not hold an administrative license in the state where the person completed the administrative program, then a Class A license will be granted. The Class A license is valid for one year and is nonrenewable. The requirements for the evaluator endorsement must be met before the issuance of the administrative license.

282—20.57(272) Renewal of administrative licenses. Each applicant for renewal of an administrative license shall have completed the evaluator endorsement requirements. A waiver of this requirement may apply if a person submits appropriate documentation of any of the following:

1. A person is engaged in active duty in the military service of this state or of the United States.

2. A person is practicing a licensed profession outside this state.

3. A person is practicing as a nonpublic school administrator in this state.

4. A person is practicing in a nonadministrative, non-evaluative position in this state.

282—20.58(272) Requirements for renewal of evaluator endorsement or license.

EDUCATIONAL EXAMINERS BOARD[282](cont'd)

20.58(1) Coursework for renewal of the evaluator license or the license with the evaluator endorsement must complement the initial requirements. This coursework must be at least one semester hour of college or university credit or one renewal unit from an approved Iowa staff development program.

20.58(2) All applicants renewing an evaluator license must submit documentation of completion of the child and dependent adult abuse training approved by the state abuse education review panel. A waiver of this requirement may apply if a person submits appropriate documentation of any of the following:

- a. A person is engaged in active duty in the military service of this state or of the United States.
- b. The application of this requirement would impose an undue hardship on the person for whom the waiver is requested.
- c. A person is practicing a licensed profession outside this state.
- d. A person is otherwise subject to circumstances that would preclude the person from satisfying the approved child and dependent adult abuse training in this state.

20.58(3) An individual holding the evaluator license may convert this license to an endorsement at the time of renewal. The fee for this conversion process will equal the fee for license renewal. The endorsement will be placed on the administrative or teaching license.

282—20.59(272) Holder of permanent professional certificate.

20.59(1) The holder of the permanent professional certificate with an administrative endorsement must hold a valid evaluator license if the person serves as an administrator who evaluates licensed personnel.

20.59(2) The holder of the permanent professional certificate with an administrative endorsement cannot use the option in subrule 20.58(3).

282—20.60(272) Requirements for a Class A administrative license. A Class A license valid for one year may be issued to an individual who has not completed the required evaluator training program which is necessary for renewal of the administrative and evaluator licenses. The fee for this one-year license is \$10. This license may be renewed for one additional year at the same fee if the individual cannot complete the required evaluator training program during the term of the initial conditional license. This rule will sunset January 1, 2005.

ARC 3114B

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 239B.4(4) and 238B.8, the Department of Human Services proposes to amend Chapter 40, “Application for Aid,” Chapter 41,

“Granting Assistance,” and Chapter 93, “PROMISE JOBS Program,” Iowa Administrative Code.

These amendments change policies for the Family Investment Program (FIP) and the PROMISE JOBS (Promoting Independence and Self-sufficiency through Employment Job Opportunities and Basic Skills) program. FIP and PROMISE JOBS are funded through the federal Temporary Assistance to Needy Families block grant, which requires states to limit eligibility for cash assistance to 60 months during a recipient’s lifetime and sets state targets for workforce participation.

These amendments focus FIP and PROMISE JOBS policy by:

- Requiring that families applying for FIP assistance sign a Family Investment Agreement before they are approved for receiving cash benefits. Applicants who are not exempt from referral to PROMISE JOBS will meet with PROMISE JOBS staff within ten days after filing their FIP application to do an initial assessment and develop an agreement outlining how the family intends to become self-supporting and what the state will do to assist this plan. Families that have barriers that make long-term planning ineffective may have a series of short-term Family Investment Agreements.

The program changes in these amendments will help families reach self-sufficiency more quickly by enabling them to begin work activities earlier and reducing the time lag between activities. There will be no limited benefit plan imposed when a person does not cooperate in the development of the initial Family Investment Agreement, except when a person who was initially exempt has lost that exemption. Families that do not develop an initial Family Investment Agreement will not be eligible for FIP assistance.

- Eliminating FIP eligibility for assistance units that contain a member who is enrolled in an educational program leading to a degree beyond a bachelor’s degree and removing work toward a graduate degree as an FIA option. These household members have enough education to be economically self-sufficient.

These amendments also make several technical changes in the programs in support of these goals, including:

- Clarifying that many policies will apply to FIP applicants as well as FIP participants.
- Defining a PROMISE JOBS “participant” as a person who has signed a Family Investment Agreement and is receiving FIP assistance, rather than a person who has begun assessment.
- Changing requirements for appointments and assessments to accommodate initial assessment before approval.
- Removing the ability to volunteer for PROMISE JOBS services and procedures that applied to volunteers. Applicants who are referred will already be involved in PROMISE JOBS. Applicants who are disabled will be referred to the Department of Education, Division of Vocational Rehabilitation Services.
- Clarifying that a limited benefit plan is considered to be imposed as of the date that a timely and adequate notice is issued to the participant establishing the limited benefit plan.
- Allowing for flexibility in the process for reviews of subsequent limited benefit plans.
- Transferring responsibility for serving people who entered the country as refugees from the Bureau of Refugee Services to Iowa Workforce Development when they have obtained United States citizenship.

HUMAN SERVICES DEPARTMENT[441](cont'd)

- Adding a requirement that subcontractor provider agencies are also required to safeguard confidential information about participants.
- Removing the requirement that the Department annually reestablish a standard for rate and time of reimbursement for on-the-job training.
- Updating form numbers and references.

These amendments do not provide for waivers in specified situations as a matter of fairness and equitable treatment for all FIP applicants and recipients. Individuals who wish to request a waiver may do so under the Department's general rule at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before February 11, 2004. Comments should be directed to the Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code chapter 239B.

The following amendments are proposed.

ITEM 1. Amend paragraph **40.22(5)“a”** as follows:

- Assistance shall be reinstated without a new application when all necessary information is provided before the effective date of cancellation and eligibility can be reestablished, or the family meets the conditions described at 441—subparagraph 41.30(3)“d”(9). *EXCEPTION: The reinstatement provisions of subrule 40.22(5) do not apply when assistance is canceled due to the imposition of a subsequent limited benefit plan as described at 441—subrule 41.24(8).*

ITEM 2. Amend rule 441—41.24(239B) as follows:

Amend the introductory paragraph as follows:

441—41.24(239B) Promoting independence and self-sufficiency through employment job opportunities and basic skills (PROMISE JOBS) program. An application for assistance constitutes a registration for the program for all members of the family investment program (FIP) case. Persons in any FIP case who are not exempt from referral to PROMISE JOBS shall enter into a family investment agreement (FIA) as a condition of receiving FIP, except as described at subrule 41.24(8).

Amend subrule **41.24(1)**, paragraph “c,” as follows:

- ~~Except for persons described at paragraph 41.24(2)“f,” persons determined exempt from referral, including applicants, may volunteer for PROMISE JOBS. All applicants shall be referred to PROMISE JOBS as FIA-responsible persons unless the local office determines that the person is exempt or does not meet other FIP eligibility requirements.~~

Amend subrule **41.24(4)**, paragraph “c,” as follows:

- Each person required to be referred to PROMISE JOBS as described at subrule 41.24(1) must meet with PROMISE JOBS staff and sign an FIA.*

(1) *For an applicant filing an application on or after June 1, 2004, the FIA must be signed before FIP approval, as a condition of eligibility. If a parent fails to sign an FIA, the entire family is ineligible for FIP. If a referred person who is not a parent fails to sign an FIA, only that person is ineligible.*

(2) *When a FIP participant loses exempt status, the FIP application is approved or when exempt status is lost, volunteers and persons who are not exempt from referral to PROMISE JOBS participant shall receive a letter which contains information about participant responsibility under*

PROMISE JOBS and the FIA and instructs the FIP participant to contact PROMISE JOBS within ten calendar days to schedule the PROMISE JOBS orientation.

Rescind and reserve subrule **41.24(6)**.

Amend subrule 41.24(8) as follows:

Amend the introductory paragraph as follows:

41.24(8) The limited benefit plan (LBP). When a participant responsible for signing and meeting the terms of a family investment agreement as described at rule 441—93.109(239B) chooses not to sign or fulfill the terms of the agreement, the FIP ~~eligible group assistance unit~~ or the individual participant shall enter into a limited benefit plan. *A limited benefit plan is considered imposed as of the date that a timely and adequate notice is issued to the participant as defined at 441—subrule 7.7(1). The Once the limited benefit plan is imposed, FIP eligibility no longer exists as of the first of the month of the limited benefit plan is the first month after the month in which timely and adequate notice is given to the participant. Upon the issuance of the notice to impose a limited benefit plan, the person who chose the limited benefit plan can reconsider and end the limited benefit plan, but only as defined described at 441—subrule 7.7(1), paragraphs 41.24(8)“d” and “f.”* A participant who is exempt from PROMISE JOBS is not subject to the limited benefit plan.

Amend subrule **41.24(8)**, paragraph “c,” subparagraph (3), as follows:

(3) A participant who signs a family investment agreement but does not carry out the family investment agreement responsibilities shall be deemed to have chosen a limited benefit plan as described in subparagraph (1), *whether the person signed the agreement as a FIP applicant or as a FIP participant.* This includes a participant who fails to respond to the PROMISE JOBS worker's request to renegotiate the family investment agreement when the participant has not attained self-sufficiency by the date established in the family investment agreement. A limited benefit plan shall be imposed regardless of whether the request to renegotiate is made before or after expiration of the family investment agreement.

Amend subrule **41.24(8)**, paragraph “d,” introductory paragraph and subparagraphs (1) and (3), as follows:

d. A ~~participant person~~ who chooses a limited benefit plan may reconsider that choice as follows:

(1) ~~A participant person~~ who chooses a first limited benefit plan may reconsider at any time from the date timely and adequate notice is issued establishing the limited benefit plan. *To reconsider and end the limited benefit plan, the participant person must communicate the desire to engage in PROMISE JOBS activities to the department or appropriate PROMISE JOBS office and develop and sign the family investment agreement.*

Since a first limited benefit plan is considered imposed as of the date that a timely and adequate notice is issued, the person who chose the limited benefit plan cannot end it by complying with the issue that resulted in its imposition. To end the limited benefit plan, the person must also sign a family investment agreement, even if the person had signed an agreement before choosing the limited benefit plan.

FIP benefits shall be effective the date the family investment agreement is signed or the effective date of the grant as described in rule 441—40.26(239B), whichever date is later. FIP benefits may be reinstated in accordance with 441—subrule 40.22(5) when the family investment agreement is signed before the *effective date of a first limited benefit plan goes into effect.*

HUMAN SERVICES DEPARTMENT[441](cont'd)

(3) A ~~participant~~ *person* who chooses a subsequent limited benefit plan may reconsider that choice at any time following the required six-month period of ineligibility.

A subsequent limited benefit plan is considered imposed as of the date that a timely and adequate notice is issued to establish the limited benefit plan. Therefore, once timely and adequate notice is issued to impose a subsequent limited benefit plan, the person who chose the limited benefit plan cannot end the limited benefit plan by complying with the issue that resulted in imposition of the limited benefit plan. FIP eligibility no longer exists as of the effective date of a subsequent limited benefit plan and eligibility cannot be re-established until the six-month period of ineligibility has expired.

To reconsider and end the limited benefit plan, the ~~participant~~ *person* must contact the department or the appropriate PROMISE JOBS office to communicate the desire to engage in PROMISE JOBS activities, sign a new or updated family investment agreement, and satisfactorily complete 20 hours of employment or the equivalent in an activity other than work experience or unpaid community service, unless problems or barriers as described at rules 441—93.133(239B) and 93.134(239B) apply. The 20 hours of employment or other activity must be completed within 30 days of the date that the family investment agreement is signed, unless problems or barriers as described at rules 441—93.133(239B) and 93.134(239B) apply.

FIP benefits shall not begin until the person who chose the limited benefit plan completes the previously defined significant actions. FIP benefits shall be effective the date the family investment agreement is signed or the effective date of the grant as described in rule 441—40.26(239B), whichever date is later, but in no case shall the effective date be within the six-month period of ineligibility.

Rescind and reserve subrule **41.24(9)**.

Amend subrule **41.24(10)**, paragraph “g,” as follows:

g. Within 30 days of the date of application for FIP, the department shall notify the applicant or recipient of the opportunity to volunteer for the program. Notification shall include a description of the procedure to be used in volunteering for the program. The department shall inform applicants for FIP benefits that a family investment agreement must be signed before FIP approval as a condition of eligibility, except as described at subrule 41.24(2).

ITEM 3. Amend rule 441—41.25(239B) by adopting the following **new** subrule:

41.25(6) Graduate students. The entire assistance unit is ineligible for FIP when a member of the assistance unit is enrolled in an educational program leading to a degree beyond a bachelor's degree.

ITEM 4. Amend subrule **41.30(3)**, paragraph “e,” first unnumbered paragraph, as follows:

Families that request a hardship exemption shall be notified ~~in writing of any verbally and shall be hand-issued the notice of a scheduled interview to develop the six-month appointment for orientation and FIA development.~~ Families shall be allowed ~~If the notice of appointment cannot be hand-issued,~~ at least five working days shall be allowed from the date the notice is mailed to attend this for a participant to appear for the scheduled interview appointment for orientation and FIA development unless the applicant agrees to an appointment that is scheduled to take place in less than five working days.

Failure to attend a scheduled interview as required, except for reasons beyond the adult's control, shall result in a denial

of the family's hardship exemption request. In two-parent families, both parents shall be required to participate in any scheduled interview. When the adult is incompetent or incapacitated, someone acting responsibly on the adult's behalf may participate in the interview.

ITEM 5. Amend **441—Chapter 93, Division II**, preamble, third unnumbered paragraph, as follows:

PROMISE JOBS services, which are also FIA options, include *but are not limited to* orientation, assessment, job-seeking skills training, group and individual job search, classroom training programs ranging from basic education to postsecondary education opportunities, entrepreneurial training, PROMISE JOBS on-the-job training, work experience, unpaid community service, parenting skills training, life skills training, monitored employment, referral for family planning counseling, ~~volunteer mentoring,~~ and FaDSS or other family development services. In addition, *applicants and participants* have access to all services offered by IWD and its subcontractor provider agencies. Persons in other work and training programs outside of PROMISE JOBS or not approvable by PROMISE JOBS can use those as FIA options *as rules allow*.

ITEM 6. Amend rule 441—93.103(239B) as follows:

441—93.103(239B) Contracts with provider agencies for provision of services. The department of human services shall contract with the department of workforce development to provide PROMISE JOBS and FIA services to FIP recipients.

93.103(1) Services shall include, *but are not limited to*, orientation, assessment, job-seeking skills training, group and individual job search, job placement and job development, high school completion, adult basic education (ABE), general educational development (GED), and English as a second language (ESL), vocational classroom training, post-secondary education including entrepreneurial training, PROMISE JOBS on-the-job training (OJT), work experience, unpaid community service, parenting skills training, life skills training, monitored employment, ~~volunteer mentoring,~~ FaDSS or other family development services, and referral for family planning counseling.

93.103(2) The bureau of refugee services shall provide the above PROMISE JOBS services, to the extent compatible with resources available, to persons who entered the United States with refugee status *until such time as they obtain United States citizenship*.

93.103(3) Only persons applying for or receiving FIP assistance are eligible for PROMISE JOBS services. PROMISE JOBS staff shall accept Form 470-3826, Request for FIP Beyond 60 Months, as described at 441—subrule 41.30(3).

ITEM 7. Amend rule 441—93.104(239B) as follows:

Rescind and reserve subrules **93.104(1)** and **93.104(2)**.

Amend subrule 93.104(4) as follows:

93.104(4) ~~Volunteers and FIP participants~~ *applicants* who are responsible for the FIA shall *complete and sign an FIA as a condition of FIP eligibility.* FIP participants who lose their exempt status shall contact the appropriate PROMISE JOBS office to schedule an appointment for PROMISE JOBS orientation within ten calendar days of notice that the FIP application is approved or that exempt status is lost and FIA responsibility has begun.

ITEM 8. Amend subrule 93.105(2) as follows:

93.105(2) Service upon referral.

HUMAN SERVICES DEPARTMENT[441](cont'd)

a. FIP applicants and participants, including those who are in a limited benefit plan, who are referred to PROMISE JOBS shall initiate service be scheduled for and attend PROMISE JOBS orientation by contacting the appropriate PROMISE JOBS office within ten calendar days of the mailing date of the notice of FIP approval or within ten calendar days of notice that exempt status has been lost and that FIA responsibility has begun, as required under 441—subrule 41.24(5) paragraph 41.24(10)“g,” or the family’s application for FIP shall be denied.

b. FIP participants who are referred to PROMISE JOBS shall initiate service for PROMISE JOBS orientation by contacting the appropriate PROMISE JOBS office within ten calendar days of the mailing date of the notice that exempt status has been lost and FIA responsibility has begun, as required under 441—subrule 41.24(5).

c. PROMISE JOBS provider agencies shall schedule FIA orientation and assessment appointments:

(1) at the earliest available times for FIP applicants but no later than ten calendar days from the date of referral.

(2) at the earliest available times for FIP participants who lose exempt status and who contact the appropriate PROMISE JOBS office within the ten days except when the department exercises administrative authority to require prioritization of orientation services to ensure that specific groups receive services in order to achieve self-sufficiency in the shortest possible time, to meet federal minimum participation rate requirements and other TANF requirements.

d. PROMISE JOBS staff may waive orientation services before writing an FIA when developing an FIA that meets the conditions of 441—paragraph 41.30(3)“e.”

e. Applicants who have chosen and are in a limited benefit plan are referred to PROMISE JOBS and must initiate service by contacting the department or shall be scheduled to begin PROMISE JOBS services with the appropriate PROMISE JOBS office as described at 441—subrule 41.24(1). The applicants who communicate the desire to engage in PROMISE JOBS activities shall be scheduled at the earliest available time and no later than ten calendar days from the date of referral to begin or resume the family investment agreement process.

f. The department reserves the authority to prioritize orientation and other services to FIP applicants and participants in whatever order best fits the needs of applicants and participants and the PROMISE JOBS program.

g. Applicants and participants who are participating in the food stamp assistance employment and training (FSET) program at the time of referral shall be allowed to use the FSET employment and training component in which they are currently enrolled as the first step in the FIA. This does not apply to persons who drop out of the FSET component.

ITEM 9. Amend rule 441—93.106(239B) as follows:

Amend subrule **93.106(1)**, paragraphs “a” and “b,” as follows:

a. Each person shall sign Form WI-3305 470-3104, Your FIA Rights and Responsibilities, acknowledging that information described above has been provided.

b. Orientation participants are required to complete a current workforce development registration, Form 60-0330, Application for Job Placement and/or Job Insurance, form as described at 877—subrule 8.2(3) when requested by PROMISE JOBS staff.

Amend subrule 93.106(2) as follows:

93.106(2) Beginning PROMISE JOBS participation. An individual becomes a PROMISE JOBS participant when that person attends the first day of the assessment component, as

described at rule 441—93.111(239B), or provides the substitute assessment information as described at 93.111(1)“a”(4) has signed a family investment agreement as described at rule 441—93.109(239B) and is a current FIP recipient.

ITEM 10. Amend subrule 93.108(2) as follows:

93.108(2) Approvable training. When a self-initiated training program meets PROMISE JOBS program standards, including SEID and ISHIP as described at 441—subrule 48.3(4), the participant shall be enrolled in the classroom training component in order to be eligible for child care and transportation assistance. Eligibility for payment of transportation and child care allowances as described at 441—subrule 93.111(2) shall begin for that month, or part thereof, in which the training plan is approved or the participant is removed from a waiting list as described at 93.105(3), whichever is later. Self-initiated participants are not eligible for expense allowances to pay for tuition, fees, books, or supplies.

ITEM 11. Amend rule 441—93.109(239B) as follows:

Amend the introductory paragraph as follows:

441—93.109(239B) The family investment agreement (FIA). Families As a FIP eligibility factor, families and individuals eligible for FIP shall, through any persons referred to PROMISE JOBS, enter into and carry out the activities of the an FIA. In two-parent families, both parents shall participate in the development and signing of an FIA. When an adult is incompetent or incapacitated, someone acting responsibly on the adult’s behalf may participate in the interview.

Failure to develop or sign an FIA shall result in denial of the family’s application for public assistance, as described at 441—paragraph 41.24(4)“c.” Those Participants who choose not to enter into the an FIA or who choose not to continue its activities after signing the an FIA shall enter into the limited benefit plan (LBP) as described at 441—subrule 41.24(8). Those who choose not to enter into the FIA and who have filed Form 470-3826, Request for FIP Beyond 60 Months, shall be denied FIP as described at 441—paragraph 41.30(3)“e.”

Rescind and reserve paragraph **93.109(1)“c.”**

Amend subrule 93.109(2) as follows:

Amend the introductory paragraph as follows:

93.109(2) FIA requirements. Except when developing the six-month FIA described at 441—paragraph 41.30(3)“e,” the FIA shall be developed during the orientation and assessment process through discussion between the FIP applicants and participants and PROMISE JOBS staff of coordinating PROMISE JOBS provider agencies, using Form 470-3095, Family Investment Agreement, and Form 470-3096, FIA Steps to Achieve Self-Sufficiency. FIAs may include further assessment services. The FIAs described at 441—paragraph 41.30(3)“e” may include orientation and assessment services.

Amend paragraph “a,” subparagraphs (1) and (2), as follows:

(1) The options of the FIA shall include, but are not limited to, all of the following: assessment, self-directed job search, job-seeking skills training, group and individual job search, high school completion activities, GED, ABE, ESL, postsecondary classroom training including entrepreneurial training, work experience, PROMISE JOBS on-the-job training, unpaid community service, parenting skills training, life skills training, monitored part-time or full-time employment, referral for family planning counseling, volunteer mentoring, and participation in FaDSS or other family development programs.

(2) The following are additional FIA options:

HUMAN SERVICES DEPARTMENT[441](cont'd)

1. Participants have access to all services offered by the provider agencies.

2. Persons in work and training programs below a graduate degree *which do not lead to a professional degree and which are funded outside of PROMISE JOBS and are approvable by PROMISE JOBS* can use those as FIA options.

3. Persons in work and training programs below a graduate ~~not leading to a degree beyond a bachelor's degree~~ which are funded outside of PROMISE JOBS and are not approvable by PROMISE JOBS can use those as FIA options only when the participant is active in the nonapprovable program at the time of PROMISE JOBS orientation.

4. ~~Work toward a graduate degree can be used as an FIA option only when the participant is active in the graduate program at the time of PROMISE JOBS orientation and the undergraduate degree was not earned under PROMISE JOBS.~~

Amend paragraph "b," subparagraph (1), as follows:

(1) The FIA shall include the long-term goals of the family for achieving self-sufficiency and shall establish a time frame, with a specific ending date, during which the FIA family expects to become self-sufficient, after which FIP benefits will be terminated. *For individuals and families with acknowledged barriers, the family's plan may be written in one or more incremental FIAs.*

Amend paragraph "i" as follows:

i. When a participant who has signed an FIA loses FIP eligibility ~~and the period the participant is without FIP assistance is one month or less and the participant has not become exempt from PROMISE JOBS at the time of FIP reapplication, the contents of the FIA and the participant's responsibility for carrying out the steps of that FIA shall may be reinstated when FIP eligibility is reestablished the steps of the FIA fit the family's current circumstances.~~ The reinstated FIA shall be renegotiated and amended only if needed to accommodate changed family circumstances. ~~Participants shall receive Form 470-3300, Your Family Investment Agreement Reminder, to remind them of their FIA obligation and to offer the opportunity to renegotiate and amend the reinstated FIA.~~

ITEM 12. Amend subrule 93.110(6), introductory paragraph, as follows:

93.110(6) Transportation allowances. Participants may receive a transportation allowance for each day of participation, if transportation is required for participation in a PROMISE JOBS activity, but shall not receive a transportation allowance for orientation or for assessment activities ~~which that~~ occur on the same day as orientation or for employment. The transportation allowance shall be paid monthly at the start of each month of participation or when participation begins, whichever is earlier. Persons employed shall be entitled to the work expense deduction described at 441—~~paragraphs paragraph~~ 41.27(2)"a" and "d."

ITEM 13. Amend rule 441—93.111(239B) as follows:

Amend the introductory paragraph as follows:

441—93.111(239B) Assessment and assignment to other activities and components. PROMISE JOBS components and FIA options include, *but are not limited to*, assessment, job-seeking skills training, job search activities, monitored employment, basic education services, PROMISE JOBS OJT, work experience, unpaid community service, parenting skills training, life skills training, postsecondary classroom training including entrepreneurial training, ~~volunteer mentoring,~~ and FaDSS or other family development services.

Amend subrule 93.111(1) as follows:

Amend the introductory paragraphs as follows:

93.111(1) Assessment. The purpose of assessment is to provide for a thorough self-evaluation ~~by of the FIP applicant or participant or family and to provide that furnishes~~ a basis for PROMISE JOBS staff to determine employability potential and to determine the services that will be needed to achieve self-sufficiency through PROMISE JOBS and the FIA. Assessment shall be conducted so as to ensure that participants can make well-informed choices and PROMISE JOBS workers can provide appropriate guidance as they complete the FIA to achieve the earliest possible self-sufficiency for the FIP family. Assessment services shall be provided through coordination among PROMISE JOBS provider agencies.

Assessment services shall be delivered through options known as assessment I, assessment II, and assessment III. These options may be provided as separate services, delivered at appropriate times during the duration of the FIA, or ~~may be delivered as a continuous service as steps in the FIA~~ up to the level necessary to provide the assessment needed for participant and PROMISE JOBS worker decisions ~~while completing for development or amendment of the FIA.~~

Amend paragraph "a," introductory paragraph and subparagraphs (3) and (4), as follows:

a. Assessment I shall be provided for all *referred FIP participants applicants*. PROMISE JOBS staff shall meet individually with FIP *applicants or* recipients who are referred to PROMISE JOBS and who choose to develop the FIA. This assessment meeting, at a minimum, shall assess the family's financial situation, family profile and goals, employment background, educational background, housing needs, child care needs, transportation needs, health care needs, family-size assessment and participant wishes regarding referral to family planning counseling, and other barriers which may require referral to entities other than PROMISE JOBS for services.

(3) The services of assessment I shall be provided in one individual session ~~unless the PROMISE JOBS worker documents a need for additional time before the FIA is signed.~~

(4) ~~Participants Applicants and participants~~ shall have the option of substituting for assessment I assessment information which they have completed with another agency or person such as, but not limited to, the department of workforce development, Head Start, public housing authorities, child welfare workers, and family development services. Participants shall authorize PROMISE JOBS to obtain these assessment results by signing Form 470-0429, Consent to Obtain and Release Information. To be used in place of assessment I, the assessment results must contain all or nearly all of the items from paragraph 93.111(1)"a" and must have been completed within the past 12 months.

Amend paragraph "e" as follows:

e. ~~Except for families who have filed Form 470-3826, Request for FIP Beyond 60 Months, family development and self-sufficiency (FaDSS) program participants attend orientation but are not referred to assessment until the FaDSS grantee approves the assignment of the FaDSS participant to other PROMISE JOBS activities. FaDSS participants who have completed assessment in the past may be required to complete assessment again when the FaDSS grantee approves assignment to other PROMISE JOBS activities if the PROMISE JOBS worker believes that extended assessment is necessary to reassess the participant's abilities and circumstances.~~

Amend paragraph "g" by rescinding and reserving subparagraph (1).

Amend subrule 93.111(2) as follows:

HUMAN SERVICES DEPARTMENT[441](cont'd)

93.111(2) Assessment-related restrictions on expense allowance assistance for self-initiated training. When persons described at 93.111(1)“g”(2) and (3) are still within the first quarter or semester of involvement with the training program that they have chosen, expense allowance assistance through PROMISE JOBS cannot be approved, even if the training is otherwise approvable, until the persons have completed the assessment II and assessment III options or have successfully completed the first quarter or semester of the training program in accordance with the requirements of the educational institution being attended. Persons involved in training programs where quarters or semesters are not used must successfully complete four months of the training program before assistance can begin, ~~except for SEID and ISHIP participants who are exempt from the limitations of this paragraph.~~ Otherwise, assistance shall only be approved effective with the second quarter or semester, or with the fifth month of participation in the training program, as applicable to the client's situation.

Amend subrule **93.111(3)**, paragraphs “b” and “c,” as follows:

b. Parents aged 16 or 17 who have not completed high school shall be expected to use enrollment or continued attendance in high school completion or the GED program as a first step in the FIA. ~~Participants~~ Parents deemed incapable of participating in these activities by the local education agency shall choose other FIA options.

c. Parents who are aged 18 or 19 who have not completed high school shall be expected to use enrollment or continued attendance in high school completion or the GED program as a first step in the FIA if assessment indicates the ~~participants~~ parents are capable of completing regular high school, alternate high school, or GED. ~~Participants~~ Parents deemed incapable of participating in these activities shall choose other FIA options.

Amend subrule 93.111(5) as follows:

93.111(5) Retention of a training slot. Once a person has been assigned a PROMISE JOBS training slot, that person retains that training slot until FIP eligibility is lost for more than four consecutive months, ~~or an LBP chosen after completing an FIA is in effect, or the person becomes exempt from PROMISE JOBS and the person who is eligible to volunteer does not choose to volunteer to continue to participate in the program.~~

ITEM 14. Amend rule 441—93.112(239B) as follows:

Amend the introductory paragraph as follows:

441—93.112(239B) Job search options. Employment is an emphasis of the FIA as described at rule 441—93.109(239B). and PROMISE JOBS *applicants and participants* shall have several options to search for work: job club, individual job search, and self-directed job search. The *applicant or participant* and the PROMISE JOBS ~~workers~~ worker shall incorporate into the self-sufficiency plan the job search option which is appropriate for the previous work history, skill level, and life circumstances of the *applicant or participant*. Job search contacts shall be documented by PROMISE JOBS staff or by participants, as appropriate. Participant documentation shall be provided as described at 93.135(3). For job search planning and reporting purposes, each in-person job search contact documented by the participant shall be considered to require one hour of participation.

Amend subrule **93.112(1)**, paragraph “f,” as follows:

f. Participants who do not complete the number of job searches required in the period of the job club have chosen the limited benefit plan. Policies at 441—93.132(239B),

~~numbered paragraph “7,”~~ rules 441—93.133(239B) and 441—93.134(239B) and subrule 93.138(3) apply.

Amend subrule 93.112(2), introductory paragraph and paragraphs “a” and “c,” as follows:

93.112(2) Individual job search. The individual job search component shall be available to *applicants and participants* for whom job club is not appropriate or not available, such as, but not limited to, *applicants or participants* who have completed training or have recent ties with the work force. The total period for each episode of individual job search shall not exceed 12 weeks or three calendar months.

a. The *applicant or participant* shall, in consultation with PROMISE JOBS staff, design and provide a written plan of the individual job search activities. The plan shall contain a designated period of time, not to exceed four weeks or a calendar month, and the specific locations of the job search. It shall also contain, but not be limited to, information as specific as possible pertaining to, for example, areas of employment interest and employers to be contacted.

c. Participants who do not complete the steps of the written plan of the individual job search have chosen the limited benefit plan. Policies at 441—93.132(239B), ~~numbered paragraph “7,”~~ rules 441—93.133(239B) and 441—93.134(239B), and subrule 93.138(3) apply.

Amend subrule 93.112(3), introductory paragraph and paragraph “a,” as follows:

93.112(3) Self-directed job search. PROMISE JOBS *ap- plicants or participants* who indicate, during assessment I, a desire to complete a short-term FIA or who have achieved an FIA interim goal which should lead to employment shall be provided the option of first engaging in self-directed job search activities before beginning other FIA options. This option does not apply to parents under the age of 20 who are required to participate in high school completion activities.

a. The *applicant or participant* shall, in consultation with PROMISE JOBS staff, design and provide a written plan of job search activities. The plan shall contain a designated period of time, not to exceed four weeks or a calendar month, and the specific locations of the job search. It shall also contain, but not be limited to, information as specific as possible pertaining to, for example, areas of employment interest and employers to be contacted.

ITEM 15. Amend subrule 93.113(2) as follows:

93.113(2) Part-time employment. Persons who are employed less than 30 hours per week (129 hours per month) shall meet the obligations of the FIA by continuing employment at that level as long as that employment is part of the FIA. ~~For some participants, this may be the only activity described in the self-sufficiency plan of the FIA. For other participants, in~~ In order to move to self-sufficiency at the earliest possible time, the FIA shall most often include part-time employment in combination with participation in other PROMISE JOBS activities *including additional part-time employment such as, but not limited to, high school completion, GED, ABE, or ESL, unpaid community service, parenting skills training, or placement on a PROMISE JOBS waiting list.*

ITEM 16. Amend rule 441—93.114(239B) as follows:

Amend the introductory paragraph as follows:

441—93.114(239B) Assignment to vocational classroom training. *Participants Applicants and participants* who demonstrate capability and who express a desire to participate shall be considered for enrollment in the PROMISE JOBS classroom training component. This component shall also be

HUMAN SERVICES DEPARTMENT[441](cont'd)

used to fund the costs of ABE, GED, or ESL and other high school completion activities described in these rules.

Amend subrule **93.114(1)**, paragraph "**d**," as follows:

d. A participant's request for classroom training services shall be denied when it is determined through assessment that the participant will be unlikely to successfully complete the requested program. Form ~~SS-1104-0 470-0602~~, Notice of Decision-: Services, shall be issued to the participant to inform the participant that the request for training is denied.

Rescind and reserve subrule **93.114(14)**, paragraph "**c**."

ITEM 17. Amend subrule **93.115(1)**, paragraph "**a**," as follows:

a. When the *an applicant or* participant and the PROMISE JOBS worker agree that an unpaid community service placement is appropriate, the participant is responsible for locating and making arrangements with the work site.

ITEM 18. Amend subrule 93.116(3), introductory paragraph, as follows:

93.116(3) Expense allowances. For participants described in subrules 93.116(1) and 93.116(2), a child care allowance and a transportation allowance for each month of participation, or part thereof, as described at subrule 93.110(6), shall be paid if these services are not provided by any other entity and are required for participation. Payment for tuition, fees, or books and supplies shall be paid only when parenting skills training is not available from a nonreimbursable source in the *SDA SDR*.

ITEM 19. Amend rule 441—93.118(239B), introductory paragraph and first unnumbered paragraph, as follows:

441—93.118(239B) Family planning. Referral for family planning is an optional service which shall be offered to each *applicant or* participant. It is not a component of PROMISE JOBS. LBP policies do not apply to participants who choose not to include family planning counseling in the FIA Steps to Self-Sufficiency or who do not carry out the steps of family planning counseling.

PROMISE JOBS staff shall discuss orally and in writing the financial implications of newly born children on the participant's family during PROMISE JOBS assessment, using Form ~~WI-2101 470-0806~~, Self-Assessment, or other form approved by the department which includes analysis of changes in family expenses due to additions to the family. In addition, PROMISE JOBS staff shall review information about the basics of family planning and provide a listing of resources in the participant's county of residence or the *SDA SDR*.

ITEM 20. Amend rule 441—93.121(239B) as follows:

Amend subrule **93.121(1)**, paragraph "**a**," as follows:

a. ~~Participants~~ *Applicants or participants* who choose work experience placement shall be assigned to work sites on a schedule which uses eight hours per day, between the hours of 8 a.m. and 6 p.m., Monday through Friday, unless the participant agrees to another schedule. The number of days per week shall be determined by agreement among the participant, the sponsor, and the PROMISE JOBS worker, with a maximum of four days and a minimum of one day. The number of days, the scheduled hours, and the length of the assignment shall reflect the assessed needs of the participant and the needs of the sponsor, using the standard that participation shall be equivalent to the level of commitment required for full-time employment or *shall be* significant so as to move toward that level.

Amend subrule 93.121(3), introductory paragraph, as follows:

93.121(3) Employers who participate in the work experience program shall be referred to as sponsors. Sponsors who request work experience participant placements shall complete Form ~~WI-3302-0 470-0809~~, Sponsor's Request for *Work Experience (WEP) Placement Participant*, for each type of position which they wish to fill and shall include a complete job description specifying all tasks to be performed by the participant. Work experience positions must contain the same job description and performance requirements that would exist if the sponsor were hiring an individual for the same position. PROMISE JOBS has final authority to determine suitability of any work experience position offered by a sponsor. Work experience positions must meet additional criteria as follows:

Amend subrules 93.121(5), 93.121(7), and 93.121(8) as follows:

93.121(5) Participants shall interview for and accept positions offered by work experience sponsors. Participants shall present Form ~~WI-3303-0 470-0810~~, Referral for *Work Experience (WEP) Placement*, to the sponsor at the interview. The form shall be completed by the sponsor and returned to PROMISE JOBS.

93.121(7) Sponsors shall complete and provide a monthly evaluation of the participant's performance using Form ~~WI-1103-5 470-0805~~, Work Experience Participant Evaluation, to PROMISE JOBS and the participant.

93.121(8) Sponsors shall complete Form ~~WI-1103-5 470-0805~~, Work Experience Participant Evaluation, at the time of termination for each work experience participant. When termination occurs at sponsor request, the sponsor shall specify the reason for termination and identify those areas of ~~individual unsatisfactory~~ performance ~~which were unsatisfactory~~. For participants who leave to accept regular employment or reach their work experience placement time limit, the sponsor's evaluation shall indicate whether or not a positive job reference would be provided if the participant requested one.

ITEM 21. Amend rule 441—93.123(239B) as follows:

Amend subrule 93.123(2), introductory paragraph and paragraph "**i**," as follows:

93.123(2) PROMISE JOBS OJT contracts. PROMISE JOBS ~~SDA~~ staff shall enter into a contract with the OJT employer for providing training and additional supervision to the participant, using a contract format established by the department or PROMISE JOBS provider agency designee which contains these requirements:

i. Qualitative and quantitative measures are established which the OJT employer, the PROMISE JOBS participant, and the department (through the PROMISE JOBS ~~SDA~~ staff as designees) shall use to determine whether the participant is making good or satisfactory progress in gaining the knowledge or skills described in the specific contract and whether the training shall continue.

Amend subrule **93.123(3)**, paragraph "**a**," introductory paragraph, as follows:

a. The department shall establish a statewide standard for rate and time of reimbursement ~~to be implemented upon the effective date of these rules, August 1, 1995, and at the beginning of each state fiscal year thereafter, to be provided to the PROMISE JOBS SDA staff for contract purposes.~~

Amend subrule 93.123(4) as follows:

93.123(4) Duration of PROMISE JOBS OJT training period. PROMISE JOBS OJT is limited to occupational training which can be completed within six months. ~~The PROMISE JOBS SDA staff shall use the Dictionary of Occupational Titles and the Standard Vocation Preparation Guide~~

HUMAN SERVICES DEPARTMENT[441](cont'd)

guidance from the U.S. Department of Labor to establish appropriate durations for occupational training which can be completed within the six-month limit.

ITEM 22. Rescind and reserve rule **441—93.129(239B)**.

ITEM 23. Amend rule 441—93.134(239B) as follows:

441—93.134(239B) Barriers to participation. Problems with participation of a permanent or long-term nature shall be considered barriers to participation and shall be identified in the FIA as issues to be resolved so that participation can result. These barriers may be identified during assessment and shall be part of the FIA from the beginning. When barriers are revealed by the *applicant* or participant during the FIA *development* or are identified by problems that develop after the FIA is signed, the FIA shall be renegotiated and amended to provide for removal of the barriers.

93.134(1) *An FIA-responsible applicant who chooses not to cooperate in removing barriers to participation identified during FIA development shall be denied FIP.*

93.134(2) *An FIA-responsible person participant who chooses not to cooperate in removing identified barriers to participation shall be considered to have chosen the limited benefit plan unless the following exception applies. When a person claims a physical or mental disability that is expected to last for more than 12 consecutive months but. When such a person refuses to apply for social security benefits or supplemental security income, the FIP household is ineligible for FIP as described at 441—subrule 41.27(1) and the limited benefit plan does not apply.*

93.134(3) Barriers to participation shall include, but not be limited to, the following:

1. *a. Child or adult care is needed before a person can participate or take a job, and the care is not available. Participants are not required to do any activity unless suitable child or adult care has been arranged. In limited instances where special-needs care is not available, it may be most practical for the participant to develop the FIA to identify providing the child or adult care as the FIA option.*

2. *b. Lack of transportation.*

3. *c. Substance addiction.*

4. *d. Sexual or domestic abuse history.*

5. *e. Overwhelming family stress.*

6. *f. Physical or mental disability.*

ITEM 24. Amend rule 441—93.135(239B) as follows:

Amend subrule **93.135(2)**, paragraph “c,” as follows:

e. When a participant involved in any PROMISE JOBS component fails to verify the participant’s hours of attendance as described above, the participant shall ~~lose the right to priority service if a volunteer participant, or enter the limited benefit plan if a mandatory participant.~~ Policies at subrule 93.138(3) apply.

Amend subrule **93.135(3)**, first unnumbered paragraph, as follows:

The Job Search Record shall be provided within five working days after the last working day of any week during which the participant has made a job search. Participants who fail to provide all information described above on the Job Search Record or do not provide the documentation timely have chosen the limited benefit plan. Policies at rule ~~441—93.132(239B), numbered paragraph “7,”~~ rules 441—93.133(239B) and 441—93.134(239B), and *at* subrule 93.138(3) apply.

ITEM 25. Amend rule 441—93.137(239B) as follows:

441—93.137(239B) Written notification.

93.137(1) Applicants. *At the time of referral, applicants shall be notified verbally and hand-issued the notice of a scheduled appointment for orientation and FIA development. If the notice of appointment cannot be hand-issued, at least five working days shall be allowed from the date notice is mailed for an applicant to appear for the scheduled appointment for orientation and FIA development unless the applicant agrees to an appointment that is scheduled to take place in less than five working days.*

93.137(2) Participants. ~~Clients~~ Participants shall be notified in writing of all scheduled meetings, component assignments, work site assignments, and participation issues as described at rule 441—93.132(239B). Written notice to the participant shall also be provided when a physical examination, doctor’s statement, employment verification, or other verification is required.

a. Participants shall be allowed 45 calendar days from the date notice is mailed to provide a physical examination report.

b. *Five working days shall be allowed from the date notice is mailed for a participant to appear for scheduled meetings unless the participant agrees to an appointment that is scheduled to take place in less than five working days.*

c. Five working days shall be allowed from the date notice is mailed for a participant to appear for scheduled meetings, component or work site assignments, provide a doctor’s statement, employment verification, or provide other verification.

d. Additional time shall be allowed when it is verified that a participant is making every effort but is unable to fulfill requirements within the established time frames.

ITEM 26. Amend subrule **93.138(3)**, paragraph “c,” as follows:

c. Before a notice of decision to establish a second limited benefit plan is issued, the case shall be ~~referred to reviewed under a procedure approved by the division of workforce development administration for a review by state-level workforce development department staff.~~

(1) *The procedure may include review by state-level division of workforce development center administration staff or by a regional PROMISE JOBS manager, a PROMISE JOBS supervisor, an income maintenance supervisor, a person designated to coordinate services for FIP participants in the area, or a combination of any of the above.*

(2) *Approval of any review procedure at less than the state level for participants choosing a subsequent limited benefit plan by not carrying out the FIA responsibilities shall occur only after the service delivery region demonstrates satisfactory performance of the resolution process.*

(3) The department of human services retains control and oversees review procedures through its contract with the workforce development department.

ITEM 27. Amend rule **441—93.139(239B)**, numbered paragraph “1,” as follows:

1. Services are approved, rejected, renewed, changed, canceled, or terminated for failure to cooperate or participate. PROMISE JOBS services are considered to be approved at that point in time when the client is assigned to begin participation in the assessment a component *as written in the FIA or when assessment has been waived and the participant is assigned to another PROMISE JOBS component.*

ITEM 28. Amend subrule 93.140(1) as follows:

93.140(1) Right to appeal alleged violation of PROMISE JOBS program policy. Participants shall have the right to file a written appeal concerning any alleged violation of

HUMAN SERVICES DEPARTMENT[441](cont'd)

PROMISE JOBS program policy as set forth in these administrative rules which is imposed as a condition of participation. The responsible agency (~~workforce development department or Job Training Partnership Act program~~) shall provide the participant with written documentation which specifies the participation requirement in dispute.

ITEM 29. Amend rule 441—93.143(239B), introductory paragraph, as follows:

441—93.143(239B) Confidentiality. The departments of education, workforce development, and economic development, ~~and human rights, Job Training Partnership Act agencies, and local education agencies, and all subcontractor provider agencies~~ shall safeguard client information in conformance with Iowa Code section 217.30.

ITEM 30. Amend rule 441—93.151(239B) as follows:

Amend the introductory paragraph as follows:

441—93.151(239B) Recovery of PROMISE JOBS expense allowances. When *an applicant*, a participant, or a provider receives an expense allowance for transportation or other supportive expenses which ~~are~~ *is* greater than allowed under these rules or *receives* a duplicate payment of ~~these~~ *an* expense ~~allowances~~ *allowance*, an overpayment is considered to have occurred and recovery is required. There are two categories of PROMISE JOBS expense allowances subject to recovery: (1) transportation and (2) other supportive expense allowances.

Amend subrule **93.151(5)**, paragraph “a,” as follows:

a. When the client requests grant reduction on the ~~Agreement to Repay, Form PA-3164-0 470-0495, Repayment Contract~~, grant reduction will be made as described in 441—subrule 46.25(3), paragraphs “a,” “b,” and “c,” based on definitions of client error and agency error in rule 441—46.21(239B).

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HUMAN SERVICES
DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 78, “Amount, Duration, and Scope of Medical and Remedial Services,” and Chapter 79, “Other Policies Relating to Providers of Medical and Remedial Care,” Iowa Administrative Code.

These amendments:

- Expand Medicaid coverage for maternal health centers to include local nonemergency medical transportation. This change, which was requested by the Department of Public Health, will allow centers to arrange and receive reimbursement for assisting pregnant women with transportation to medical appointments. This change will remove a barrier to prenatal care for some women and should result in improved pregnancy outcomes.

- Expand the list of acceptable degrees for staff who deliver care coordination and psychosocial services to align

with the degrees allowed by the Department of Public Health for the Maternal and Child Health Program under Title V of the Social Security Act, which operates through the same agencies.

These amendments do not provide for waivers in specified situations because they provide a benefit to centers and their patients.

Any interested person may make written comments on the proposed amendments on or before February 11, 2004. Comments should be directed to the Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 249A.4.

The following amendments are proposed.

ITEM 1. Amend rule 441—78.25(249A) as follows:

Amend the introductory paragraph as follows:

441—78.25(249A) Maternal health centers. Payment will be made for prenatal and postpartum medical care, ~~and limited~~ care coordination and health education, ~~and transportation to receive prenatal and postpartum services~~ for persons who are not determined high risk. Payment will be made for enhanced perinatal services for persons determined high risk. These services include additional health education services, nutrition counseling, social services, additional care coordination services, and one postpartum home visit. Maternal health centers shall provide trimester and postpartum reports to the referring physician. Additional prenatal and postpartum reimbursement will be made for persons determined to be high risk. Risk assessments using Form 470-2942, Medicaid Prenatal Risk Assessment, shall be completed twice during a Medicaid recipient’s pregnancy. If the risk assessment reflects a high-risk pregnancy, additional reimbursement shall be provided for the enhanced services related to a high-risk pregnancy.

Amend subrule **78.25(2)** by adopting the following new paragraph “d”:

d. Transportation to receive prenatal and postpartum services that is not payable under rule 441—78.11(249A) or 441—78.13(249A).

Amend subrule 78.25(3) as follows:

Amend the introductory paragraph as follows:

78.25(3) Enhanced perinatal services may be provided to a patient who has been determined to have a high-risk pregnancy as documented by Form 470-2942, Medicaid Prenatal Risk Assessment. Enhanced perinatal services may be provided by licensed dietitians; persons with at least a bachelor’s degree in social work, counseling, sociology, *family and community services, health or human development, health education, individual and family studies*, or psychology; physicians; and registered nurses employed by or on contract with the center. An appropriately trained physician or advanced registered nurse practitioner must be involved in staffing the patients receiving enhanced services.

Amend paragraph “a,” introductory paragraph, as follows:

a. Care coordination, the coordination of comprehensive prenatal services, shall be provided by a registered nurse; ~~or a~~ person with at least a bachelor’s degree in social work, counseling, sociology, *family and community services, health or human development, health education, individual and family studies*, or psychology; *a person with a degree in dental hygiene; a licensed practical nurse; or a paraprofessional*

HUMAN SERVICES DEPARTMENT[441](cont'd)

working under the direct supervision of a health professional. ~~and~~ Care coordination shall include:

Amend paragraph “d,” introductory paragraph, as follows:

d. Psychosocial services shall be provided by a person with at least a bachelor’s degree in social work, counseling, sociology, ~~or~~ psychology, *family and community services, health or human development, health education, or individual and family studies*. Psychosocial assessment and counseling shall include:

ITEM 2. Amend subrule **79.1(2)**, provider category “maternal health centers,” as follows:

Provider category	Basis of reimbursement	Upper limit
Maternal health centers	Reasonable cost per procedure service on a prospective basis as determined by the department based on financial and statistical data submitted annually by the provider group	Fee schedule in effect 6/30/01 less 3%

ARC 3116B

HUMAN SERVICES
DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 232.142, the Department of Human Services proposes to amend Chapter 105, “County and Multicounty Juvenile Detention Homes and County and Multicounty Juvenile Shelter Care Homes,” Iowa Administrative Code.

These amendments:

- Clarify the standards that detention and shelter facilities must follow in providing health care and in administering and managing medications for resident children.

- Update form numbers and names.

Changes in standards for health care and medication administration were developed collaboratively with the shelter providers’ subcommittee of the Iowa Coalition for Family and Children’s Services, the Iowa Juvenile Detention Association, the Department of Inspections and Appeals, the Division of Criminal and Juvenile Justice Planning of the Iowa Department of Human Rights, and the Iowa Department of Public Health. Changes include:

- Requiring a preliminary review of each child’s health status at intake, followed by a more comprehensive assessment if the child has not had an assessment within the last year.

- Requiring facilities to share information about significant changes in medical status with the child’s parents and caseworker and to include this information in the child’s discharge summary.

- Expanding the authorized prescribers of medication to include all of the options allowed by Iowa law.

- Adding policies on the use of nonprescription medications.

- Requiring facilities to document errors in medication administration.

- Clarifying procedures for destroying leftover, outdated or unusable medication.

These amendments do not provide for waivers in specified situations because they are a benefit to children in these facilities by enhancing safety while providing greater access to needed medications. Facilities may request a waiver of these standards under the Department’s general rule at 441—1.8(17A,217).

Any interested person may make written comments on the proposed amendments on or before February 11, 2004. Comments should be directed to the Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code section 232.142.

The following amendments are proposed.

ITEM 1. Amend rule **441—105.1(232)** by adopting the following **new** definitions:

“Administer medication” means to remove medication from its storage place; to ensure to the extent possible that the child ingests, applies, or uses the appropriate dosage at the appropriate time of day; and to document the dosage and the time and date that the child ingested, applied, or used the medication.

“Authorized prescriber” means those persons identified in Iowa Code section 147.107 and Iowa Code chapter 154.

“Controlled substances” means those substances identified in Iowa Code chapter 124.

“Nonprescription medication” means any drug or device that is not a prescription medication as defined in this chapter.

“Prescription medication” means a prescription drug as defined in Iowa Code section 155A.3(30).

ITEM 2. Amend subrule **105.2(12)**, paragraph “f,” as follows:

f. A facility with unsafe water can meet water safety requirements by utilizing an alternative safe water source for foster children until the facility’s own water supply is tested as safe. ~~The Unsafe Water Sample Approval Form, SS-2208 facility must be completed complete Form 470-0699, Provisions for Alternate Water Supply, and approved by obtain approval from the department.~~

ITEM 3. Amend subrule **105.3(3)**, paragraphs “g,” “i,” and “j,” as follows:

g. Documentation of the submission of Form ~~SS-1606-0 470-0643~~, Request for Child Abuse Information, to the registry and the registry response. The request may be submitted after probationary employment but the response must be received before permanent employment is assured.

i. Documentation of a check with the Iowa department of public safety on all new applicants for employment asking only whether the applicant has been convicted of a crime involving the mistreatment or exploitation of a child ~~prior to before~~ permanently employing the individual. ~~Department Form SS-2203 595-1396, “Department of Public Safety DHS Criminal History Record Check,” Form B, shall be used.~~

Any individual convicted of a crime involving the mistreatment or exploitation of a child shall not be employed by the facility.

HUMAN SERVICES DEPARTMENT[441](cont'd)

j. Documentation of any checks with the Iowa department of public safety for persons hired ~~prior to before~~ July 1, 1983, for whom the agency has reason to suspect a criminal record and asking only whether the employee has been convicted of a crime involving the mistreatment or exploitation of a child. ~~Department Form SS-2203 595-1396, "Department of Public Safety DHS Criminal History Record Check," Form B,~~ shall be used.

ITEM 4. Rescind subrule 105.8(6) and adopt the following **new** subrule in lieu thereof:

105.8(6) Health care.

a. Health assessment at intake. Facility staff shall review each child's health status at intake. The purpose of this preliminary review is to identify medication needs and problems that need immediate medical attention. Within seven days of intake, a more comprehensive health assessment shall be performed on each child who has not had a comprehensive health assessment within the past year. A registered nurse, an advanced registered nurse practitioner, a physician's assistant, or a physician shall perform the comprehensive health assessment.

b. Existing health needs. The facility shall provide or secure medical treatment for a child's illnesses and injuries that come to the facility's attention during the child's stay.

c. Monitoring side effects of medications. Facilities shall monitor each child's use of medications and shall inform the authorized prescriber if adverse reactions are noted.

d. Sharing medical information. Facilities shall share information about significant changes in medical status with the child's caseworker and parents or guardian. Discharge information shall include information about significant medical changes that occurred while the child was at the facility.

ITEM 5. Rescind rule 441—105.9(232) and adopt the following **new** rule in lieu thereof:

441—105.9(232) Medication management and administration.

105.9(1) Obtaining prescription medications. Facilities shall permit prescription medications to be brought into the facility for a child.

a. Prescription medication in its original container, clearly labeled and prescribed for the child, may be accepted as legitimate prescription medication for the child. The label serves as verification that the medication was ordered by an authorized prescriber.

b. Facilities shall review size, shape, color, and dosages and contact the identified pharmacy or authorized prescriber to confirm legitimacy if contraband is suspected.

105.9(2) Obtaining nonprescription medications. Shelter and detention facilities shall maintain a supply of standard nonprescription medications for use for children residing at the facility. Examples of standard nonprescription medications include cough drops and cough syrups, aspirin substitutes and other pain control medication, poison antidote, and diarrhea control medication.

a. All nonprescription medications kept on the premises for the use of residents shall be preapproved annually by a licensed pharmacist or an authorized prescriber.

b. Facilities shall maintain a list of all preapproved nonprescription medications. The list shall indicate standard uses, standard dosages, contraindications, side effects, and common drug interaction warnings. The facility administrator or the administrator's designee shall be responsible for determining the scope of the list and brands and types of medications included.

c. Only nonprescription medications on the preapproved list shall be available for use. However, the facility administrator or the administrator's designee, in consultation with an authorized prescriber or licensed pharmacist, may approve use of a nonprescription medication that is not on the preapproved list for a specific child.

105.9(3) Storing medications. Prescription and nonprescription medications shall be stored in a locked cabinet, a locked refrigerator, or a locked box within an unlocked refrigerator.

a. Controlled substances shall be stored in a locked box within a locked cabinet. Nothing other than controlled substances shall be stored in the locked box. Controlled substances requiring refrigeration also shall be maintained within a double-locked container separate from food and other items.

b. The facility administrator shall determine distribution and maintenance of keys to the medication storage cabinets and boxes.

c. A shelter facility administrator or the administrator's designee may preapprove shelter staff to carry prescription or nonprescription medications with them temporarily for use while on day trips or at sites away from the facility.

105.9(4) Labeling medications. Controlled substances and prescription medications shall be maintained in their original containers, clearly labeled by an authorized prescriber and prescribed for the child. Sample prescription medications shall be accompanied by a written prescription. Nonprescription medications shall be maintained as purchased in their original containers.

105.9(5) Administering controlled medications. Only staff who have completed a medication administration course shall be allowed to administer controlled substances.

105.9(6) Administering prescription and nonprescription medications. The facility administrator shall determine and provide written authority as to which staff may administer prescription and nonprescription medications.

a. Prescription medications shall be administered only in accordance with the orders of the authorized prescriber. Nonprescription medications shall be administered following the directions on the label.

b. The facility administrator or the administrator's designee may allow a child to self-administer prescription and nonprescription medication in appropriate situations. The facility shall require documentation if the child self-administers a medication.

105.9(7) Documenting errors in administering medications. All errors in administering prescription and nonprescription medications shall be documented. Facilities shall review and take appropriate action to ensure that similar errors do not recur.

105.9(8) Medication for discharged residents. When a child is discharged or leaves the facility, the facility shall turn over to a responsible agent controlled substances and prescription medications currently being administered. The facility may send nonprescription medications with the child as needed. The facility shall document in the child's file:

a. The name, strength, dosage form, and quantity of each medication.

b. The signature of the facility staff person turning over the medications to the responsible agent.

c. The signature of the responsible agent receiving the medications.

105.9(9) Destroying outdated and unused medications. Unused controlled and prescription medications kept at the facility for more than six months after the child has left the

HUMAN SERVICES DEPARTMENT[441](cont'd)

facility shall be destroyed by the administrator or the administrator's designee in the presence of at least one witness. Outdated, discontinued, or unusable nonprescription medications shall also be destroyed in a similar manner. The person destroying the medication shall document:

- a. The child's name.
- b. The medication name, strength, dosage form, and quantity.
- c. The date the medication was destroyed.
- d. The names and signatures of the witness and staff person who destroyed the medication.

ITEM 6. Amend subrule 105.10(1), introductory paragraph, as follows:

105.10(1) Written policies. When a juvenile detention facility uses a control room as part of its service, the facility shall have written policies regarding its use and the facility director shall complete Form ~~SS-2209-3~~ 470-0700, Evaluation and Recommendation to Operate a Control Room. The policy shall:

ITEM 7. Rescind and reserve subrule **105.18(2)**.

ITEM 8. Amend rule 441—105.19(232) as follows:

Amend the introductory paragraph as follows:

441—105.19(232) Approval. The department will issue a Certificate of Approval, ~~SS-1205-0 Form 470-0620~~, annually without cost to any juvenile detention ~~homes~~ home or juvenile shelter care home which meets the standards. The department may offer consultation to assist homes in meeting the standards.

Amend subrule 105.19(1), introductory paragraph, as follows:

105.19(1) Applications. An application shall be submitted on ~~forms provided by the department, SS-3105-0 Form 470-0723~~, Application for License or Certificate of Approval. ~~The application shall~~ be signed by the operator of the home, chairman of the county board of supervisors, or chairman of the multicounty board of directors and shall indicate the type of home for which the application is made.

Amend subrule 105.19(4) as follows:

105.19(4) Notification. Homes should be notified of approval or rejection within 120 days of application unless the applicant requests and is granted an extension by the department. Form ~~SS-3307~~ 470-0728, Notification Notice of Action, will be used to inform applicants of approval and a restricted certified letter will be used to inform applicants of rejection.

ITEM 9. Amend rule 441—105.21(232), introductory paragraph, as follows:

441—105.21(232) Mechanical restraint—juvenile detention only. When a juvenile detention facility uses mechanical restraints as part of its program, the facility shall have written policies regarding their use. These policies shall be approved by the department ~~prior to before their use of mechanical restraints~~. The policies shall be available to clients, parents or guardians, and referral sources at the time of admission. Policies shall also be available to staff. The executive director of the detention home shall sign the commitment contained in Form ~~SS-2212-3~~ 470-0703, "Evaluation and Recommendation for Approval to Use Mechanical Restraint," before the facility shall be approved to use a mechanical restraint.

ARC 3117B**HUMAN SERVICES
DEPARTMENT[441]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 234.6, the Department of Human Services proposes to amend Chapter 108, "Licensing and Regulation of Child-Placing Agencies," Chapter 150, "Purchase of Service," Chapter 156, "Payments for Foster Care and Foster Parent Training," Chapter 185, "Rehabilitative Treatment Services," and Chapter 202, "Foster Care Services," Iowa Administrative Code.

These amendments affect the category of foster care placement called "independent living," which is an option for youth aged 16 or over who have the capacity to live in the community with less supervision than is provided in a foster family or group care placement. The focus of service activities is to prepare youth for self-sufficiency when they leave foster care. These amendments were recommended by a group of stakeholders brought together in response to a report by the Iowa Citizens Aide/Ombudsman listing concerns about how the state delivers services to youth "aging out" of foster care. The group was charged with recommending ways to improve the program and to better identify and serve the type of youth that can be served in this kind of foster care placement.

These amendments change the name of this type of placement to "supervised apartment living" and change eligibility requirements by:

- Allowing youth who have left foster care at age 18 to return voluntarily before they reach age 20 in order to complete their high school education or obtain a GED.
- Removing requirements that youth must refrain from illegal behavior, including using controlled substances or alcohol, and must have the potential to be financially and emotionally independent upon discharge as a condition of services.
- Requiring juvenile court approval for placement of youth who are under the age of 18.

These amendments also:

- Remove the cap on the number of hours of service that may be purchased.
- Require face-to-face visits weekly with youth under age 18 and biweekly with youth aged 18 or over.
- Require quarterly monitoring and evaluation of services.
- Make staffing requirements in 441—Chapter 202 consistent with licensing rules for child-placing agencies in 441—Chapter 108.
- Remove the six-month limit on placement in a cluster arrangement.
- Clarify language and update legal and organizational references.

These rules provide for waivers of continuous placement requirements and of work and work training requirements in specified situations. Individuals requesting a waiver of other provisions may do so under rule 441—1.8(17A,217).

HUMAN SERVICES DEPARTMENT[441](cont'd)

Any interested person may make written comments on the proposed amendments on or before February 11, 2004. Comments should be directed to the Office of Policy Analysis, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code sections 234.6 and 238.16.

The following amendments are proposed.

ITEM 1. Amend **441—Chapter 108**, preamble; rule **441—108.1(238)**, definitions of “caseworker,” “child-placing agency,” and “independent living placement”; subrule **108.6(3)**; and rule **441—108.10(238)** by substituting the phrase “supervised apartment living” for the phrase “independent living” wherever it appears.

ITEM 2. Amend subparagraphs **150.3(3)“j”(2)** and **150.3(3)“p”(2)** by substituting the phrase “supervised apartment living” for the phrase “independent living” wherever it appears.

ITEM 3. Amend 441—Chapter 156 as follows:

Amend rule **441—156.1(234)**, definition of “cost of foster care”; subrule **156.8(6)**; rule **441—156.15(234)**; subparagraphs **156.20(1)“b”(1)** and **(2)**; and subrule **156.20(2)** by substituting the phrase “supervised apartment living” for the phrase “independent living” wherever it appears.

Amend subrule 156.8(2) as follows:

156.8(2) Independent Supervised apartment living. When a child youth is initially placed in independent supervised apartment living, the service area administrator manager or designee may authorize an allowance not to exceed \$400 if the child youth does not have sufficient resources to cover initial costs.

Amend rule 441—156.12(234) as follows:

441—156.12(234) Independent Supervised apartment living.

156.12(1) Maintenance. When a child youth at least aged 16 but under the age of 20 is living in an independent supervised apartment living situation, the maximum monthly maintenance payment for the child youth shall be made pursuant to the basic daily maintenance rate for a child aged 16 and over in subrule 156.6(1). The maximum monthly payment shall be computed by multiplying the daily rate in subrule 156.6(1) by 365 and dividing by 12. This payment may be paid to the child youth or another payee, other than a department employee, for the child’s youth’s care.

156.12(2) Service. When services for a child youth in independent supervised apartment living are purchased, the service components and number of hours purchased shall be specified by the service worker in the child’s youth’s case permanency plan. When services for a child aged 18 or older in independent living are purchased, the total number of hours purchased shall not exceed 40 hours for the first month of placement into independent living and 20 hours for any month thereafter.

This rule is intended to implement Iowa Code section 234.35.

ITEM 4. Amend rule **441—185.64(234)**, **441—Chapter 185**, Division V preamble, and rule **441—185.86(234)** by substituting the phrase “supervised apartment living” for the phrase “independent living” wherever it appears.

ITEM 5. Amend subrule **202.3(3)** by adopting the following new paragraph “c”:

c. An exception to the requirement for continuous placement may be made for a youth who leaves foster care at age 18 and voluntarily returns to supervised apartment living foster care before the youth’s twentieth birthday in order to complete high school or obtain a general equivalency diploma (GED).

ITEM 6. Amend rule 441—202.9(234) as follows:

441—202.9(234) Independent Supervised apartment living. An independent supervised apartment living arrangement shall provide a child youth with an environment in which the child youth can experience living independently in the community with minimum supervision. This arrangement shall prepare the child youth for self-support and self-care sufficiency. It is an arrangement where the child youth lives in an apartment unit, shops for food, prepares individual meals, and manages time for cleaning and laundry. It is not a structured living arrangement where independent living life skills are learned through simulated financial transactions such as rent, utility payments or grocery shopping that prepare the child for real-life expenditures and situations activities.

202.9(1) Eligibility.

a. To be eligible for independent supervised apartment living placement, a child youth shall meet all of the following conditions:

(4) a. Be at least 16 years old. If age aged 18 or older, the youth shall:

(1) meets Meet the definition of a child in Iowa Code section 234.1; and

(2) has Have been in foster care or state institutional placement immediately prior to before reaching the age of 18, and has have continued in foster care or a state institution since reaching the age of 18. A person aged 18 or over, who has received a high school diploma or a high school equivalency diploma, is not eligible for the independent living program. The service area manager or designee may waive the requirement for continuous placement for a youth who leaves foster care at age 18 and voluntarily returns before the youth’s twentieth birthday in order to complete high school or obtain a general equivalency diploma (GED), consistent with Iowa Code sections 234.35(1)“f” and 234.35(3)“c.”

(2) b. If under the age of 18, must either be working (or in work training) full-time or be attending high school, or attending general equivalency diploma (GED) classes, or post-secondary classes and working (or in work training) part-time. If aged 18 or older, the youth shall be attending high school or GED classes full-time and making satisfactory progress toward completion of the high school or GED program and working (or in work training) part-time. “Work training” includes individualized programs developed specifically to meet the youth’s employment needs. Waiver of the work or work training requirement may be allowed with the prior approval of the service area manager or designee if:

(1) The youth can demonstrate involvement in some alternative daily activity that promotes self-sufficiency; and

(2) The waiver is in the youth’s best interest.

(3) c. Need foster care placement and services, based on an assessment completed according to rule 441—202.2(234) and subrule 202.6(5).

(4) d. Participate actively with the department caseworker in the development of the case plan and comply with its provisions in activities and services to achieve self-sufficiency.

(5) Refrain from involvement in any illegal behavior including using controlled substances or alcohol.

HUMAN SERVICES DEPARTMENT[441](cont'd)

(6) *e.* Have capacity to function outside the structure of live in the community with less supervision than that provided by a foster family or group care setting. Prior to placement as determined by a comprehensive assessment shall be made that reviews all available information on the child youth to identify the needs, strengths, and resources of the child youth, especially as they pertain to the child's youth's ability to live independently.

(7) ~~Have the potential to be financially and emotionally independent upon discharge from foster care.~~

(8) *f.* Have an approved living situation which shall meet that meets the following minimum standards:

1. (1) Be located so as to provide reasonably convenient access to schools, places of employment, or services required by the youth.

2. (2) Comply with applicable state and local zoning, fire, sanitary and safety regulations.

3. (3) Be reasonably priced so as to fit within the youth's budget.

(9) *g.* Have the approval of the service area administrator of the area where the child resides manager or designee.

h. If under age 18, have the approval of the juvenile court.

b. Exceptions to the work (or work training) requirement may be allowed with the prior approval of the area administrator, if the child can demonstrate involvement in some alternative daily activity and the exception is in the child's best interest.

202.9(2) Services to be provided.

a. Required services. The following activities are required:

(1) Through visits with the youth and to the living situation, documentation determination that:

1. There ~~there~~ is no reasonable cause for believing that the child's youth's mode of life or living situation presents any unacceptable risks to the child's youth's health or safety;

2. The the living situation is maintained in a reasonably safe condition;

3. The the child youth is receiving any necessary medical care; and

4. The the current program plan provides appropriate and sufficient services and supports.

(2) Supervision to assist the child youth in developing the needed structure to live in this setting and in locating and using other needed services. If the youth is under age 18, supervision shall include a minimum of weekly face-to-face contacts with the child for the first 60 days of placement and twice a month face-to-face contacts with the child thereafter. For youth aged 18 or older, supervision shall include a minimum of biweekly face-to-face contacts. Supervision may include guidance, oversight, and behavior monitoring.

(3) Ongoing assessment activities directed toward monitoring the progress being made in the child's youth's ability to live independently achieve self-sufficiency and evaluating the effectiveness of coordination and evaluation at least every 90 days to monitor the services and supports being provided to reach this goal.

(4) If services are purchased, visits by the department to the child youth according to subrule 202.11(2).

(5) If services are purchased, compliance by the provider with all reporting requirements in 441—Chapter 150, paragraph 150.3(3)“j,” including requirements for the individual service plan, quarterly reports, and a termination summary.

(6) A review of the case and case plan every six months, in accord accordance with subrules 202.6(4) and 202.6(5).

(7) Termination activities to review information prior to the discontinuation of one or more service components and to develop a summary of service delivery and service outcome.

b. Optional services. The following services may be provided to a child youth depending on the needs, objectives and services described in the child's youth's case permanency plan.

(1) Counseling services to reduce stress and severe social, emotional, or behavioral problems that affect the child's youth's stability or ability to function independently, or to enhance the child's self-esteem and self-confidence achieve self-sufficiency. Activities undertaken through this service may include individual or group therapy, counseling, and treatment.

(2) Leisure time and recreational services to enhance the child's youth's ability to develop recreational, social, leisure time or hobby, and cultural skills.

(3) Parent skill development services to train or educate youth who are parents or prospective parents to enable them to meet the needs of their children. These activities include parenting classes, in-home instruction and in-home role modeling of appropriate parenting functions. Information to be introduced through these activities includes parenting methods, age-appropriate discipline, reasonable expectations of children, techniques of caring for children with special needs, and effective ways of communicating and problem solving.

(4) Basic living skills services to enable or train the child youth to maintain a safe, healthy, and stable home. These include, but are not limited to, counseling, instruction, or role modeling in such skills as money management, credit, home management, consumer skills, health care, nutrition, transportation, and legal and insurance issues.

(5) Educational tutoring and vocational services to enable the child youth to secure and maintain paid employment. These may include, but are not limited to, activities to enable the child to seek or obtain a high school diploma or GED, to improve job-seeking skills, and to improve employability and job-maintenance skills.

(6) Community involvement services to enable the child youth to access community resources and to develop support systems, including services to assist the youth in establishing or reestablishing relationships with significant adults. These may include, but are not limited to, activities to improve the child's awareness and experience with community resources and activities to improve the child's interpersonal and social skills.

202.9(3) Independent living Living arrangements.

a. There are two types of independent supervised apartment living arrangements as follows:

(1) Scattered site arrangements have no specific site or building which houses the program. Clients Youth are assisted by staff people in locating apartments scattered throughout the community. Up to three youths supervised by one agency may reside in apartments located in one building. Youths living in such an arrangement shall be able to contact supervising agency staff 24 hours a day, seven days a week.

(2) Cluster arrangements are those in which four to six youths reside in apartments located in one building and are supervised by one agency. Cluster arrangements shall have an adult employed by the agency who has at least a high school diploma and two years' paid work experience meets the staff qualifications set in rule 441—108.4(238) on site at any time that one or more of the clients youths are present in the cluster arrangement. Youths shall reside in a cluster arrangement no more than six months. When more than six

HUMAN SERVICES DEPARTMENT[441](cont'd)

youths reside in a cluster arrangement, it shall be considered a foster group care facility.

b. There shall be no provision of a meal or meals, either individually or as congregate dining, by the landlord as an inherent part of the living arrangement. *This provision does not apply to youth under the age of 18 who are living in a post-secondary dormitory setting when that living arrangement best meets their needs.*

c. If an agency rents an apartment to the youth, there shall be a signed lease between both parties that includes, but is not limited to:

- (1) Amount to be paid for rental unit.
- (2) Term of lease with both a beginning and ending date.
- (3) Rights and responsibilities of tenant.
- (4) Rights and responsibilities of landlord.
- (5) Conditions under which lease can be terminated.

202.9(4) Method of service provision.

a. ~~Independent~~ *Supervised apartment* living services may be provided directly by the department or may be purchased from a licensed child-placing or child-caring agency. If services are purchased, department staff shall be responsible to determine the specific service components and the number of hours to be provided. The department case permanency plan shall specify ~~what the goals of the services that~~ are being purchased.

b. If services are purchased, service billings shall be based on one hour, or any portion thereof (with monthly cumulative units rounded up or down to the nearest whole unit), of:

(1) Direct face-to-face contact between the service provider and the ~~child~~ youth.

(2) Activities undertaken to assist the ~~child~~ youth with the use of community resources and to consult and collaborate on service directions with schools, employers, landlords, volunteers, extended family members, peer support groups, training resources, or other community resources on behalf of the ~~child~~ youth.

c. If services are purchased, expenses of transporting ~~clients~~ youth, service management activities, and other administrative functions shall be allowable indirect costs subject to the restrictions set forth in 441—Chapter 150 rule 441—150.3(234).

d. When ~~independent living clients~~ youth receive services in a group rather than individually, the purchase of service contract shall specify the unit rate for group services separate from other services defined in the contract.

(1) The unit of service for group services shall be based on one hour, or any quarter portion thereof, of direct face-to-face contact between the service provider and each group member. Monthly cumulative units shall be rounded up or down to the nearest whole unit. The contract shall specify the average number of group participants.

(2) The unit rate shall be ~~determined in accordance with the requirements and procedures of 441—Chapter 150, and will be based upon the cost of a single caseworker providing the service when provided by a single caseworker.~~ Reimbursement for a team approach to service delivery will not be made except in accordance with the following: *subparagraph (3) below.*

(3) When two or more individuals from a service provider agency jointly deliver a unit of service, billings for that unit of service shall be reimbursable in an amount equal to the cost of two or more units of service if the following criteria are met:

(4) 1. The department case plan requests a team approach to service delivery and specifies the number of individuals that will be working together on the team, and a purchase of

service contract identifies the service provider's ability to provide a team approach.

(2) 2. The specific number of individuals requested in the case plan who are representing the service provider are physically present to deliver the service to the ~~clients~~ youth.

202.9(5) Reserved.

202.9(6) Termination of independent living services.

a. Mandatory termination. *Services Supervised apartment living services* shall be terminated when any of the following occurs. ~~The child occur:~~

(1) ~~No~~ *The youth no longer meets the definition of a child in Iowa Code section 234.1.*

(2) ~~No longer meets~~ *The youth fails to meet the work (or work training) requirement for 30 consecutive days.*

(3) ~~No~~ *The youth no longer needs foster care placement and services.*

(4) ~~Needs~~ *The youth needs* a more restrictive level of placement.

(5) ~~Chooses~~ *The youth chooses* to live in a nonapproved setting.

(6) ~~Refuses~~ *The youth refuses* to participate actively in the development of the case plan or to follow its the provisions of the case plan, after having been given the opportunity to correct the behavior.

(7) ~~Commits an aggravated misdemeanor or felony.~~

(8) ~~Is involved in illegal behavior or substance abuse on a second occasion, after having been given the opportunity to correct the behavior.~~

(9) ~~Is 18 or over and working full-time.~~

(10) ~~Has another resource available to meet the child's identified needs.~~

(11) ~~Fails~~ *The youth is aged 18 or over and fails* to make satisfactory progress towards completion of the high school GED program, after having been given the opportunity to correct the behavior.

b. Notice of adverse action. When services are denied or terminated, adequate and timely notice shall be provided the ~~child~~ youth as defined in rule 441—130.5(234).

This rule is intended to implement Iowa Code section 234.6(6)"b."

ITEM 7. Amend subrule **202.11(2)** by substituting the phrase "supervised apartment living" for the phrase "independent living" wherever it appears.

ARC 3106B

INSURANCE DIVISION[191]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 505.8 and 515F.5, the Insurance Division hereby gives Notice of Intended Action to amend Chapter 20, "Property and Casualty Insurance Rate and Form Filing Procedures," Iowa Administrative Code.

The proposed rule sets forth requirements for insurers that use credit reports, credit information or insurance scores with respect to certain lines of personal insurance to provide the Insurance Commissioner with the necessary information to

INSURANCE DIVISION[191](cont'd)

ensure that the use of the credit reports or credit scores is in accordance with Iowa statutes and administrative rules. The proposed rule is a National Conference of Insurance Legislators (NCOIL) model.

These rules do not provide for waivers. Persons seeking waivers must petition the Division for a waiver in the manner set forth under 191—Chapter 4.

A public hearing will be held at 10 a.m. on February 11, 2004, in the offices of the Insurance Division, 330 Maple, Des Moines, Iowa 50319. Persons wishing to provide oral comments should contact Angela Burke Boston no later than February 10, 2004, to be placed on the agenda.

Any person may make written comments on the proposed rule on or before February 11, 2004. Comments should be directed to Angela Burke Boston, Assistant Commissioner, Insurance Division, 330 Maple, Des Moines, Iowa 50319. Comments may also be transmitted by E-mail to angela.burke.boston@iid.state.ia.us or may be transmitted via facsimile to (515)281-3059.

This rule is intended to implement Iowa Code chapters 515 and 515F.

The following amendment is proposed.

Rescind rule 191—20.12(515,515F) and adopt the following **new** rule in lieu thereof:

191—20.12(515,515F) Use of credit information in personal insurance.

20.12(1) Purpose. The purpose of this rule is to regulate the use of credit information for personal insurance, so that consumers are afforded certain protections with respect to the use of such information.

20.12(2) Scope. This rule applies to personal insurance and not to commercial insurance. For purposes of this rule, “personal insurance” means private passenger automobile, homeowners, motorcycle, mobile-homeowners and non-commercial dwelling fire insurance policies, and boat, personal watercraft, snowmobile and recreational vehicle policies. Such policies must be individually underwritten for personal, family or household use. No other type of insurance shall be included as personal insurance for the purpose of this rule.

20.12(3) Definitions. For the purposes of this rule, these defined words have the following meanings:

“Adverse action” means a denial or cancellation of, an increase in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount of, any insurance, existing or applied for, in connection with the underwriting of personal insurance.

“Affiliate” means any company that controls, is controlled by, or is under common control with another company.

“Applicant” means an individual who has applied to be covered by a personal insurance policy with an insurer.

“Commissioner” means the commissioner of insurance.

“Consumer” means an insured whose credit information is used or whose insurance score is calculated in the underwriting or rating of a personal insurance policy or an applicant for such a policy.

“Consumer reporting agency” means any person that, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

“Credit information” means any credit-related information derived from a credit report, found on a credit report itself, or provided on an application for personal insurance. In-

formation that is not credit-related shall not be considered “credit information,” regardless of whether it is contained in a credit report or in an application, or is used to calculate an insurance score.

“Credit report” means any written, oral, or other communication of information by a consumer reporting agency bearing on a consumer’s credit worthiness, credit standing or credit capacity which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor to determine personal insurance premiums, eligibility of coverage, or tier placement.

“Division” means the division of insurance.

“Insurance score” means a number or rating that is derived from an algorithm, computer application, model, or other process that is based in whole or in part on credit information for the purposes of predicting the future insurance loss exposure of an individual applicant or insured.

20.12(4) Use of credit information. An insurer authorized to do business in Iowa that uses credit information to underwrite or rate risks shall not:

a. Use an insurance score that is calculated using income, gender, address, ZIP code, ethnic group, religion, marital status, or nationality of the consumer as a factor.

b. Deny, cancel or nonrenew a policy of personal insurance solely on the basis of credit information, without consideration of any applicable underwriting factor independent of credit information and not expressly prohibited in 20.12(4)“a.”

c. Base an insured’s renewal rates for personal insurance solely upon credit information, without consideration of any other applicable factor independent of credit information.

d. Take an adverse action against a consumer solely because the consumer does not have a credit card account, without consideration of any other applicable factor independent of credit information.

e. Consider an absence of credit information or an inability to calculate an insurance score in underwriting or rating personal insurance, unless the insurer does one of the following:

(1) Treats the consumer as otherwise approved by the commissioner, if the insurer presents information that such an absence or inability relates to the risk for the insurer.

(2) Treats the consumer as if the applicant or insured had neutral credit information, as defined by the insurer.

(3) Excludes the use of credit information as a factor and uses only other underwriting criteria.

f. Take an adverse action against a consumer based on credit information, unless an insurer obtains and uses a credit report issued or an insurance score calculated within 90 days from the date the policy is first written or renewal is issued.

g. Use credit information unless not later than every 36 months following the last time that the insurer obtained current credit information for the insured, the insurer recalculates the insurance score or obtains an updated credit report. Regardless of the requirements of 20.12(4)“g”:

(1) At annual renewal, upon the request of a consumer or the consumer’s agent, the insurer shall re-underwrite and re-rate the policy based upon a current credit report or insurance score. An insurer need not recalculate the insurance score or obtain the updated credit report of a consumer more frequently than once in a 12-month period.

(2) The insurer shall have the discretion to obtain current credit information upon any renewal before the 36 months, if consistent with its underwriting guidelines.

INSURANCE DIVISION[191](cont'd)

(3) No insurer need obtain current credit information for an insured, despite the requirements of 20.12(4)“g”(1), if one of the following applies:

1. The insurer is treating the consumer as otherwise approved by the commissioner.

2. The insured is in the most favorably priced tier of the insurer, within a group of affiliated insurers. However, the insurer shall have the discretion to order such report, if consistent with the insurer's underwriting guidelines.

3. Credit was not used for underwriting or rating such insured when the policy was initially written. However, the insurer shall have the discretion to use credit for underwriting or rating such insured upon renewal, if consistent with the insurer's underwriting guidelines.

4. The insurer reevaluates the insured beginning no later than 36 months after inception and thereafter based upon other underwriting or rating factors, excluding credit information.

h. Use the following as a negative factor in any insurance scoring methodology or in reviewing credit information for the purpose of underwriting or rating a policy of personal insurance:

(1) Credit inquiries not initiated by the consumer or inquiries requested by the consumer for the consumer's own credit information.

(2) Inquiries relating to insurance coverage, if so identified on a consumer's credit report.

(3) Collection accounts with a medical industry code, if so identified on a consumer's credit report.

(4) Multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the home mortgage industry and made within 30 days of one another, unless only one inquiry is considered.

(5) Multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry and made within 30 days of one another, unless only one inquiry is considered.

20.12(5) Dispute resolution and error correction. If it is determined through the dispute resolution process set forth in the federal Fair Credit Reporting Act, 15 U.S.C. 1681i(a)(5), that the credit information of a current insured was incorrect or incomplete and if the insurer receives notice of such determination from either the consumer reporting agency or from the insured, the insurer shall re-underwrite and re-rate the consumer within 30 days of receiving the notice. After re-underwriting or re-rating the insured, the insurer shall make any adjustments necessary, consistent with the insurer's underwriting and rating guidelines. If an insurer determines that the insured has overpaid premium, the insurer shall refund to the insured the amount of overpayment calculated back to the shorter of either the last 12 months of coverage or the actual policy period.

20.12(6) Initial notification.

a. If an insurer writing personal insurance uses credit information in underwriting or rating a consumer, the insurer or its agent shall disclose, either on the insurance application or at the time the insurance application is taken, that the insurer or its agent may obtain credit information in connection with such application. Such disclosure shall be either written or provided to an applicant in the same medium as the application for insurance. The insurer need not provide the disclosure statement required under 20.12(6) to any insured on a renewal policy, if such consumer has previously been provided a disclosure statement.

b. Use of the following example disclosure statement constitutes compliance with 20.12(6): “In connection with

this application for insurance, we may review your credit report or obtain or use a credit-based insurance score based on the information contained in that credit report. We may use a third party in connection with the development of your insurance score.”

20.12(7) Adverse action notification. If an insurer takes an adverse action based upon credit information, the insurer must meet the notice requirements of 20.12(7)“a” and “b.” Such insurer shall:

a. Provide notification to the consumer that an adverse action has been taken, in accordance with the requirements of the federal Fair Credit Reporting Act, 15 U.S.C. 1681m(a).

b. Provide notification to the consumer explaining the reasons for the adverse action. The reasons must be provided in sufficiently clear and specific language so that a person can identify the basis for the insurer's decision to take an adverse action. Such notification shall include a description of up to four factors that were primary influences of the adverse action. The use of generalized terms such as “poor credit history,” “poor credit rating” or “poor insurance score” does not meet the explanation requirements of 20.12(7). Standardized credit explanations provided by consumer reporting agencies or other third-party vendors are deemed to comply with 20.12(7).

20.12(8) Filing. Insurers that use insurance scores to underwrite and rate risks must file their scoring models or other scoring processes with the insurance division. A third party may file scoring models on behalf of insurers. A filing that includes insurance scoring may include loss experience justifying the use of credit information.

Any filing relating to credit information is considered a trade secret under Iowa Code section 22.7(3) and 191—paragraph 1.3(11)“a,” Iowa Administrative Code.

20.12(9) Indemnification. An insurer shall indemnify, defend, and hold agents harmless from and against all liability, fees, and costs arising out of or relating to the actions, errors, or omissions of a producer who obtains or uses credit information or insurance scores or both for an insurer, provided the producer follows the instructions of or procedures established by the insurer and complies with any applicable law or rule. Nothing in 20.12(9) shall be construed to provide a consumer or other insured with a cause of action that does not exist in the absence of 20.12(9).

20.12(10) Sale of policy term information by consumer reporting agency.

a. No consumer reporting agency shall provide or sell data or lists that include any information that in whole or in part was submitted in conjunction with an insurance inquiry about a consumer's credit information or a request for a credit report or insurance score. Such information includes, but is not limited to, the expiration dates of an insurance policy or any other information that may identify time periods during which a consumer's insurance may expire and the terms and conditions of the consumer's insurance coverage.

b. The restrictions provided in 20.12(10)“a” do not apply to data or lists the consumer reporting agency supplies to the insurance producer from whom information was received, the insurer on whose behalf such producer acted, or such insurer's affiliates or holding companies.

c. Nothing in 20.12(10) shall be construed to restrict any insurer from being able to obtain a claims history report or a motor vehicle report.

20.12(11) Severability. If any subrule, paragraph, sentence, clause, phrase, or any part of this rule is declared invalid due to an interpretation of or a future change in the federal Fair Credit Reporting Act, the remaining subrules, para-

INSURANCE DIVISION[191](cont'd)

graphs, sentences, clauses, phrases, or parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

ARC 3113B**LANDSCAPE ARCHITECTURAL
EXAMINING BOARD[193D]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 544B.5, the Landscape Architectural Examining Board hereby gives Notice of Intended Action to amend Chapter 2, “Examinations and Licensing,” Iowa Administrative Code.

The proposed amendment established a fee for replacement of a licensee’s wall certificate. This amendment is subject to waiver pursuant to 193—Chapter 5.

Any interested party may make written or oral comments on the proposed amendment on or before February 10, 2004. Comments should be addressed to Glenda Loving, 1920 S.E. Hulsizer, Ankeny, Iowa 50021, telephone (515)281-7362 or fax (515)281-7411.

This amendment is intended to implement Iowa Code chapters 17A and 544B.

The following amendment is proposed.

Amend 193D—2.10(544B,17A) as follows:

193D—2.10(544B,17A) Fee schedule. The appropriate examination fee or examination exemption filing fee shall accompany the application. Filing fees are not refundable.

Examination fee	not to exceed \$1000
Initial examination filing fee	\$50
Proctoring fee	\$50
Examination exemption fee	\$300
Certificate reissuance registration fee	\$50
(This certificate is to be effective to the June 30 which is at least 12 months beyond the date of application.)	
Wall certificate replacement fee	\$25
Certificate of license fee	\$15/month
(This certificate of license is to be effective the day of board action until June 30.)	
Biennial registration fee	\$350

ARC 3101B**SECRETARY OF STATE[721]****Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 47.1, the Secretary of State hereby gives Notice of Intended Action to

amend Chapter 21, “Election Forms and Instructions,” Iowa Administrative Code.

The amendment is intended to implement Iowa Code section 49.21, the U.S. Voting Accessibility for the Elderly and Handicapped Act and the Americans with Disabilities Act, which require polling places to be accessible to persons with disabilities. This amendment provides a definition for the term “off-street parking” as used in the survey form used for determining the accessibility of polling places. The parking space specifications are taken from “ADA Accessibility Guidelines for Buildings and Facilities” (ADAAG) and from rule 661—18.3(321L), which sets forth the dimensions of parking spaces for persons with disabilities.

Any interested person may make written suggestions or comments on this proposed amendment through February 10, 2004. Such written suggestions or comments should be directed to Sandra J. Steinbach, Director of Elections, Office of the Secretary of State, 321 E. 12th Street, Lucas State Office Building, Des Moines, Iowa 50319.

Persons who want to convey their views orally should contact the Secretary of State’s office at (515)281-5823, or at the Office of the Secretary of State, 321 E. 12th Street, Lucas State Office Building, First Floor, Des Moines, Iowa 50319. Requests for a public hearing must be received by 4:30 p.m. on February 9, 2004.

This amendment is intended to implement Iowa Code section 49.21, the U.S. Voting Accessibility for the Elderly and Handicapped Act and the Americans with Disabilities Act.

The following amendment is proposed.

Amend subrule **21.50(4)** by adding the following new unnumbered paragraphs:

The term “off-street parking” used in the polling place accessibility survey means parking places in lots separated from the street and includes angle parking along the street if the accessible route from the parking place to the polling place is entirely out of the path of traffic. Parking arrangements that require either the driver or passengers of the vehicle to go into the traveled part of the street are not accessible.

An access aisle at street level that is at least 60 inches wide and the same length as each accessible parking space shall be provided. An accessible public sidewalk curb ramp shall connect the access aisle to the continuous passage to the polling place. At least one parking place shall be van-accessible with a 96-inch access aisle connected to the continuous passage to the polling place by an accessible public sidewalk curb ramp. Two accessible parking spaces may share a common access aisle.

**NOTICE—PUBLIC FUNDS
INTEREST RATES**

In compliance with Iowa Code chapter 74A and section 12C.6, the committee composed of Treasurer of State Michael L. Fitzgerald, Superintendent of Credit Unions James E. Forney, Superintendent of Banking Thomas B. Gronstal, and Auditor of State David A. Vaudt have established today the following rates of interest for public obligations and special assessments. The usury rate for January is 6.25%.

NOTICE—PUBLIC FUNDS INTEREST RATES(cont'd)

INTEREST RATES FOR PUBLIC
OBLIGATIONS AND ASSESSMENTS

74A.2 Unpaid Warrants Maximum 6.0%
 74A.4 Special Assessments Maximum 9.0%

RECOMMENDED Rates for Public Obligations (74A.3) and School District Warrants (74A.7). A rate equal to 75% of the Federal Reserve monthly published indices for U.S. Government securities of comparable maturities. All Iowa Banks and Iowa Savings Associations as defined by Iowa Code section 12C.1 are eligible for public fund deposits as defined by Iowa Code section 12C.6A.

The rate of interest has been determined by a committee of the state of Iowa to be the minimum interest rate that shall be paid on public funds deposited in approved financial institutions. To be eligible to accept deposits of public funds of the state of Iowa, a financial institution shall demonstrate a commitment to serve the needs of the local community in which it is chartered to do business. These needs include credit services as well as deposit services. All such financial institutions are required to provide the committee with a written description of their commitment to provide credit services in the community. This statement is available for examination by citizens.

New official state interest rates, effective January 13, 2004, setting the minimums that may be paid by Iowa depositories on public funds are listed below.

TIME DEPOSITS

7-31 days Minimum 0.80%
 32-89 days Minimum 0.80%
 90-179 days Minimum 0.90%
 180-364 days Minimum 1.00%
 One year to 397 days Minimum 1.20%
 More than 397 days Minimum 1.80%

These are minimum rates only. The one year and less are four-tenths of a percent below average rates. Public body treasurers and their depositories may negotiate a higher rate according to money market rates and conditions.

Inquiries may be sent to Michael L. Fitzgerald, Treasurer of State, State Capitol, Des Moines, Iowa 50319.

ARC 3107B

VOLUNTEER SERVICE, IOWA
COMMISSION ON[555]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to Executive Order Number 48 and Iowa Code section 17A.22, the Iowa Commission on Volunteer Service hereby gives Notice of Intended Action to amend Chapter 1, “Organization and Operation,” and Chapter 5, “Due Process,” Iowa Administrative Code.

These amendments incorporate minor revisions into Chapter 1, including changing the quorum from two-thirds of the voting members of the Commission to one-half of the voting members plus one. In addition, information in Chap-

ter 1 that is no longer accurate is updated. These amendments also include revisions to Chapter 5 that provide an appeals process for staff and committee decisions.

Any interested person may make written suggestions or comments on these proposed amendments on or before February 10, 2004. Such written materials should be directed to Adam Lounsbury, Governor’s Office, State Capitol, Des Moines, Iowa 50319; fax (515)281-6611. Persons wishing to convey their views orally should contact Adam Lounsbury at (515)281-8924 or at the Governor’s office.

Also, there will be a public hearing on February 10, 2004, at 11 a.m. at the Iowa Department of Economic Development’s Main Conference Room on the Second Floor of 200 East Grand, Des Moines, Iowa 50319, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact Adam Lounsbury and advise of special needs.

These amendments are intended to implement Executive Order Number 48.

The following amendments are proposed.

ITEM 1. Rescind rule 555—1.1(Ex.O.48) and adopt the following new rule in lieu thereof:

555—1.1(ExecOrd48) Purpose. This chapter describes the organization and operation of the Iowa commission on volunteer service (herein generally referred to as the commission), including the offices where and the means by which any interested person may obtain information and make submittals or requests.

ITEM 2. Rescind rule 555—1.2(Ex.O.48) and adopt the following new rule in lieu thereof:

555—1.2(ExecOrd48) Organization and operation.

1.2(1) Location. The commission is located at 200 East Grand, Des Moines, Iowa 50309; telephone (515)242-4799. Office hours are 8 a.m. to 4:30 p.m., Monday to Friday. Offices are closed on Saturdays and Sundays and on official state holidays designated in accordance with state law.

1.2(2) The commission. The commission consists of 15 to 25 voting members and functions under the leadership of a chairperson. Each member, appointed in accordance with federal and state guidelines, serves a three-year term scheduled so that no more than one-third of the appointments will expire in the same year.

1.2(3) Meetings. The commission shall meet at regular intervals at least four times annually. Additional meetings may be called at the discretion of the chairperson. All meetings are open to the public in accordance with the open meetings law, Iowa Code chapter 21.

a. Chairperson. The chairperson of the commission presides at each meeting. Members of the public may be recognized at the discretion of the chairperson.

b. Public notice. The commission shall give advance public notice of the time and place of each commission meeting. The notice will include the specific date, time, and place of the meeting.

c. Quorum. A quorum shall consist of half of the current voting members of the commission plus one. When a quorum is present, a position is carried by an affirmative vote of the majority of commission members eligible to vote. A commissioner is eligible to vote in person, by telephone

VOLUNTEER SERVICE, IOWA COMMISSION ON[555](cont'd)

hook-up, or by proxy executed in writing to the chairperson prior to the meeting. A proxy shall be valid only for one meeting.

d. Termination. Any commissioner who does not attend three or more consecutive regular meetings or who attends less than one-half of the regular meetings within a 12-month period shall be considered to have resigned from the commission.

e. Resignations. A commissioner wishing to resign may do so by submitting a letter of resignation to the governor and sending a copy to the commission chairperson.

f. Public presentations. A specific time is set aside at each meeting for the public to address the board. As a general guideline, a limit of five minutes will be allocated for each of these presentations. If a large group seeks to address a specific issue, the chairperson may limit the number of speakers. To address the board, individuals are encouraged to notify the commission staff at least 72 hours in advance of the meeting.

1.2(4) Minutes. The minutes of all commission meetings shall be recorded and kept by the administrative assistant in the commission office.

1.2(5) Records. The records of all the business transacted and other information with respect to the operation of the commission are public records and shall be kept on file in the commission office. All records, except statements specified as confidential under these rules, are available for inspection during regular business hours. (Copies of up to ten pages of records may be obtained without charge. The cost of reproduction will be charged for pages in excess of ten. The charge may be waived by the executive director.)

1.2(6) Submission and requests. Inquiries, submissions, petitions, and other requests directed to the commission shall be made by letter addressed to the executive director at the address listed in subrule 1.2(1). Any person may petition for a written or oral hearing before the commission. All requests for a hearing must be in writing and state the specific subject to be discussed and the reasons why a personal appearance is necessary if one is requested.

1.2(7) Committees. The chairperson may establish committees including an executive committee that may conduct commission business as necessary between scheduled meetings. The chairperson may appoint commissioners and non-commissioners to serve on the committees. Noncommissioners shall not serve on the executive committee.

ITEM 3. Rescind rule 555—5.1(Ex.O.48) and adopt the following **new** rule in lieu thereof:

555—5.1(ExecOrd48) Appeals.

5.1(1) Commission staff decisions. Administrative staff of the commission shall make all decisions in accordance with established policies and administrative rules of the Iowa commission on volunteer service and published policies from the Corporation for National Service.

a. Appeal of commission staff decision. If an individual, agency, or reasonable representative of commission business disagrees with a staff decision, that party has the right to appeal to the full commission. The appeal shall be in the form of a public hearing. The appellant must request the hearing in writing to the executive director within 14 calendar days of receiving the written notice of the staff decision. The written request shall clearly set forth the issues being contested and provide evidence supporting the claims. In order to be considered by the full commission, the request shall be based upon one or more of the following grounds:

(1) The staff's decision was in violation of federal law.

(2) The staff's decision was in violation of Iowa state law.

(3) The staff's decision was in violation of published Corporation for National Service guidelines or published Iowa commission on volunteer service rules.

(4) The staff's decision was made in an unreasonable and arbitrary or capricious manner.

All written evidence provided by the appellant will be mailed to commission members no later than 7 calendar days before the scheduled hearing for the commissioners' consideration. Commission staff will also be afforded the right to present a written explanation of the staff decision. This explanation shall be mailed at the same time as the appellant's materials.

b. Hearing.

(1) The executive director shall set a date for the hearing within 30 calendar days from the date the request was received. The hearing date will be set as soon as reasonable, and in no event later than 60 calendar days from the date the request was received.

(2) The executive director shall establish the procedural guidelines of the hearing in accordance with the uniform rules on contested cases as published in the Iowa Administrative Code. The executive director will notify the appellant and commission members of the hearing procedures no later than 14 calendar days before the designated hearing date.

(3) The commission chairperson shall preside at the hearing. If the chairperson is not able to preside, the commission vice-chairperson shall be the designated substitute. The commission chairperson shall appoint a representative of the commission to preside if neither the chairperson or vice-chairperson is able to preside.

(4) After commission consideration of all evidence presented, the presiding officer shall call for a roll-call vote of the commission members. A quorum must be present to take an official vote of the commission on the appeal. A simple majority vote of the eligible voting members of the commission is required for a decision. The presiding officer shall announce the result of the roll-call vote. The commission's decision is final and binding on all parties.

(5) Written notice of the commission's decision on the appeal shall be mailed to the appellant within 10 days of the hearing.

5.1(2) Committee decisions. Committees of the commission shall make all decisions in accordance with established policies and administrative rules of the Iowa commission on volunteer service and published policies from the Corporation for National Service.

a. Appeal of committee decision. If an individual, agency, or representative of commission business disagrees with a committee decision, that party has the right to appeal to the full commission. The appeal shall be in the form of a public hearing. The appellant must request the hearing in writing to the executive director within 14 calendar days of receiving the written notice of the committee decision. The written notice shall clearly set forth the issues being contested and provide evidence supporting the claims. In order to be considered by the full commission, the request shall be based upon one or more of the following grounds:

(1) The committee's decision was in violation of federal law.

(2) The committee's decision was in violation of Iowa state law.

(3) The committee's decision was in violation of published Corporation for National Service guidelines or published Iowa commission on volunteer service rules.

VOLUNTEER SERVICE, IOWA COMMISSION ON[555](cont'd)

(4) The committee's decision was made in an unreasonable and arbitrary or capricious manner.

All written evidence provided by the appellant will be mailed to commission members no later than 7 calendar days before the scheduled hearing for the commissioners' consideration. The committee chairperson will also be afforded the right to present a written explanation of the committee's decision. This explanation shall be mailed at the same time as the appellant's materials.

b. Hearing.

(1) The executive director shall set a date for the hearing within 30 calendar days from the date the request was received. The hearing date will be set as soon as reasonable, and in no event later than 60 calendar days from the date the request was received.

(2) The executive director shall establish the procedural guidelines of the hearing in accordance with the uniform rules on contested cases as published in the Iowa Administrative Code. The executive director will notify the appellant

and commission members of the hearing procedures no later than 14 calendar days before the designated hearing date.

(3) The commission chairperson shall preside at the hearing. If the chairperson is not able to preside, the commission vice-chairperson shall be the designated substitute. The commission chairperson shall appoint a representative of the commission to preside if neither the chairperson or vice-chairperson is able to preside.

(4) After commission consideration of all evidence presented, the presiding officer shall call for a roll-call vote of the commission members. A quorum must be present to take an official vote of the commission on the appeal. A simple majority vote of the eligible voting members of the commission is required for a decision. The presiding officer shall announce the result of the roll-call vote. The commission's decision is final and binding on all parties.

(5) Written notice of the commission's decision on the appeal shall be mailed to the appellant within 10 days of the hearing.

ARC 3108B

HUMAN SERVICES
DEPARTMENT[441]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code section 225C.6, the Department of Human Services amends Chapter 25, "Disability Services Management," Iowa Administrative Code.

These amendments make the rules in Division V, "Risk Pool Funding," conform to statutory changes in 2003 Iowa Acts, chapter 179, section 1. The amendments move the annual deadline for county applications for risk pool funding from April 1 to January 25 and add a decision date of February 25 for the Risk Pool Board to determine whether an application for assistance will be accepted.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on October 15, 2003, as **ARC 2851B**. The Department received no comments on the Notice of Intended Action. The Department has made the following technical changes to the Notice of Intended Action:

- Adopted the definition of "central point of coordination (CPC)" from Division II of Chapter 25 to clarify use of this term in Division V.
- Amended the definition of "division" to reflect organizational changes in the Department and removed references to the previous division name in paragraph 25.62(4)"b" and subrule 25.62(6).
- Amended the introductory paragraph of rule 441—25.62(246B) to match the composition of the Risk Pool Board pursuant to the amendments in 2002 Iowa Acts, chapter 1146, section 20.
- Amended paragraph 25.62(5)"a" to specify that the Risk Pool Board shall meet in February of each year, instead of in April, to meet the new deadlines for decision making.
- Amended paragraph 25.62(5)"b" to update the address and telephone number of the Division.
- Amended the implementation clause for Division V to reflect amendments to Iowa Code section 426B.5 made in 2001 Iowa Acts, chapter 155.

These amendments do not provide for waivers in specified situations because these policies are set by statute.

The Mental Health and Developmental Disabilities Commission adopted these amendments on December 18, 2003.

The Department finds that these amendments confer a benefit on counties by providing a decision on available funds earlier in the budgeting process. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)"b"(2), and the normal effective date is waived.

These amendments are intended to implement Iowa Code section 426B.5(2)(d)(1) as amended by 2003 Iowa Acts, chapter 179, section 1.

These amendments became effective on January 1, 2004. The following amendments are adopted.

ITEM 1. Amend rule **441—25.61(426B)** as follows:

Amend the definition of "division" as follows:

"Division" means the ~~mental health and developmental disabilities behavioral, developmental, and protective services~~ division of the department of human services.

Adopt the following new definition in alphabetical order: "Central point of coordination (CPC)" means the administrative entity designated by a county board of supervisors, or the boards of a consortium of counties, to act as the single

entry point to the service system as required in Iowa Code section 331.440.

ITEM 2. Amend rule 441—25.62(426B) as follows:

Amend the introductory paragraph as follows:

441—25.62(426B) Risk pool board. This ~~nine ten~~-member board consists of two county supervisors, two county auditors, a member of the ~~state-county management committee created in Iowa Code section 331.438~~ *mental health and developmental disabilities commission* who ~~was not appointed by the Iowa state association of counties is not a member of a county board of supervisors,~~ a member of the county finance committee created in Iowa Code chapter 333A who is not an elected official, *a representative of a provider of mental health or developmental disabilities services selected from nominees submitted by the Iowa Association of Community Providers,* and two ~~single-entry central point process of coordination~~ administrators, all appointed by the governor, subject to confirmation by two-thirds of the members of the senate, and one member appointed by the director of the department of human services.

Amend paragraph **25.62(4)"b"** as follows:

b. Copies of the minutes are kept on file in the office of the administrator of the division of ~~mental health and developmental disabilities~~.

Amend paragraphs **25.62(5)"a"** and **"b"** as follows:

a. The board shall meet in ~~April~~ *February* of each year and may hold special meetings at the call of the chairperson or at the request of a majority of the voting members.

b. Any county making application for risk pool funds must be represented at the board meeting when that request is considered. The division shall notify the county of the date, time and location of the meeting. Any other persons with questions about the date, time or location of the meeting may contact the Administrator, Division of ~~Mental Health and Developmental Disabilities Behavioral, Developmental, and Protective Services,~~ Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut, Des Moines, Iowa 50309-0114, telephone (515)281-5874 242-5994.

Amend subrule 25.62(6) as follows:

25.62(6) Records. Any records maintained by the board or on behalf of the board shall be made available to the public for examination in compliance with Iowa's open records law, Iowa Code chapter 22. To the extent possible, ~~prior to before~~ submitting applications, records and documents, applicants shall delete any confidential information. These records shall be maintained in the office of the division of ~~mental health and developmental disabilities~~.

ITEM 3. Amend rule 441—25.63(426B) as follows:

Amend subrule 25.63(1) as follows:

25.63(1) Applicants.

a. A county may make an aggregate or individual application at any time on or before ~~April 1~~ *January 25* of any given year for the current fiscal year budget whenever:

(1) ~~the~~ *The* projected net expenditure amount exceeds the sum of 105 percent of the county's current fiscal year budgeted net expenditure amount; and

(2) ~~the~~ *The* county's prior fiscal year accrual ending fund balance exceeds 25 percent of the prior fiscal year's net expenditure.

b. However, *a county shall be considered to have met the basic eligibility requirement and be qualified for risk pool assistance if:*

(1) ~~a~~ *The* county's services fund ending balance in the previous fiscal year was less than 10 percent of the amount of

HUMAN SERVICES DEPARTMENT[441](cont'd)

the county's gross expenditures from the services fund for that fiscal year; and

(2) ~~the~~ *The* county has a projected net expenditure amount for the current fiscal year that is in excess of 101 percent of the budgeted net expenditure amount for the current fiscal year; ~~the county shall be considered to have met the basic eligibility requirement and is qualified for risk pool assistance.~~

c. The purpose of the mental health risk pool is to assist counties whose expenditures in the services fund exceed budgeted costs due to unanticipated expenses for new individuals or other unexpected factors. The mental health risk pool is not intended for multiyear usage or as a source of planned revenue.

Amend subrule 25.63(2), introductory paragraph, as follows:

25.63(2) Application procedures. The county shall send Form 470-3723, Risk Pool Application, plus 15 copies, to the division. The division must receive the application no later than 4:30 p.m. on ~~April 1~~ *January 25* of each year; or, if ~~April 1~~ *January 25* is a holiday, a Saturday or Sunday, the division must receive the application no later than 4:30 p.m. on the first working day thereafter. Facsimiles and electronic mail are not acceptable. The application shall be signed and dated by both the chairperson of the county board of supervisors and the central point of coordination administrator. Staff of the division shall notify each county of receipt of the county's application.

Amend subrule 25.63(3) as follows:

25.63(3) Request for additional information. Staff shall review all applications for completeness. If an application is not complete, staff of the division shall contact the county within four working days after ~~April 1~~ *January 25* or the first working day thereafter, if ~~April 1~~ *January 25* is a holiday, a Saturday or Sunday, to request the information needed to complete the application. The county shall submit the required information within five working days from the date of the division's request for the additional information.

ITEM 4. Amend rule 441—25.64(426B), introductory paragraph, as follows:

441—25.64(426B) Methodology for awarding risk pool funding. *The risk pool board shall make a decision on each application no later than February 25.*

ITEM 5. Amend **441—Chapter 25**, Division V, implementation clause, as follows:

These rules are intended to implement Iowa Code section 426B.5, subsection 3 2.

[Filed Emergency After Notice 12/22/03, effective 1/1/04]

[Published 1/21/04]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/21/04.

ARC 3105B

ADMINISTRATIVE SERVICES
DEPARTMENT[11]

Adopted and Filed

Pursuant to the authority of 2003 Iowa Acts, chapter 145, section 4, the Department of Administrative Services hereby amends and transfers rules of the former Department of Information Technology[471], Chapter 12, "Information Technology Operational Standards," and Chapter 15, "Information Technology Development Strategies and Activities," to the Department of Administrative Services[11], Chapter 25, "Information Technology Operational Standards," and Chapter 26, "Information Technology Development Strategies and Activities," Iowa Administrative Code.

The purpose of this rule making is to comply with statutory changes enacted by the 80th General Assembly in 2003 Iowa Acts, chapter 145, by transferring rules from the former Department of Information Technology to the new Department of Administrative Services. Changes are solely editorial in nature.

Notice of Intended Action was published in the November 26, 2003, Iowa Administrative Bulletin as **ARC 2947B**. No comments were received on the Notice. In the adopted amendments, the Web site address for information technology standards in subrules 25.7(1) and 25.7(2) has been updated, and the references to House File 534 have been changed to references to chapter 145 of the 2003 Iowa Acts.

These amendments were adopted December 31, 2003.

These amendments will become effective on February 25, 2004.

These amendments are intended to implement 2003 Iowa Acts, chapter 145, sections 17 to 22.

The following amendments are adopted.

ITEM 1. Transfer **471—Chapter 12** to **11—Chapter 25** and **471—Chapter 15** to **11—Chapter 26**.

ITEM 2. Amend **11—Chapters 25** and **26** by replacing all internal references with references to Chapter 25 and Chapter 26, respectively.

ITEM 3. Amend **11—Chapters 25** and **26** by changing all references to Iowa Code chapter 14B to 2003 Iowa Acts, chapter 145.

ITEM 4. Amend rule **11—25.1(80GA,ch145)**, definition of "participating agency," as follows:

"Participating agency" means all executive branch agencies except the following:

1. to 3. No change.
4. The department of public safety law enforcement communications systems *and security systems in use for the legislature*.
5. No change.
6. *The Iowa lottery*.
7. *A judicial district department of correctional services established pursuant to Iowa Code section 905.2.*

ITEM 5. Amend subrule 25.2(1) as follows:

25.2(1) The information technology department is required to develop, *in consultation with the information technology council as established in 2003 Iowa Acts, chapter 145, section 20*, and implement information technology and

standards through a process as set forth in this chapter. It is the intent of the general assembly that information technology standards be established for the purpose of guiding development *the procurement of information technology by all participating agencies*.

ITEM 6. Amend subrule 25.2(2) as follows:

25.2(2) The goal of the department is to ensure compatibility and interoperability of state government information technology systems, while at the same time promoting effective technology alignment with enterprise strategies and programs *develop and implement effective and efficient strategies for the use and provision of information technology for participating agencies and other governmental entities*.

ITEM 7. Amend subrule **25.4(1)** and **25.4(3)** by replacing "information technology department" with "department."

ITEM 8. Amend subrules 25.5(1) and 25.5(2) as follows:

25.5(1) Recommendations of operational standards. The director of the information technology department is charged with recommending standards.

25.5(2) Implementation of operational standards. The department shall implement information technology standards which are applicable to information technology operations by participating agencies, including but not limited to system design and systems integration and interoperability for participating agencies, pursuant to Iowa Code section ~~14B.102(2)~~ *d. 2003 Iowa Acts, chapter 145, section 18*.

ITEM 9. Amend rule 11—25.6(80GA,ch145) as follows:

11—25.6(80GA,ch145) Waivers of operational standards. Participating agencies may apply directly to the information technology department for a waiver of a current or proposed standard. The director of the information technology department, upon the written request of a participating agency and for good cause shown, may grant a waiver from a requirement otherwise applicable to a participating agency relating to an information technology standard established by the information technology department.

ITEM 10. Amend rule 11—25.7(80GA,ch145) as follows:

11—25.7(80GA,ch145) Review of operational standards by the public and period of public comment.

25.7(1) Interested members of the public may participate in the process of establishing standards by providing written comments to ~~Director the Administrator~~, Information Technology Department Enterprise, Hoover State Office Building, Level B, Des Moines, Iowa 50319. Comments will be accepted for a period of ten days after the initial posting of the standard by the department on the department's Web site at <http://www.state.ia.us/government/it/Standards%20&29Policies/ITStandards/index.htm> ~~http://das.ite.iowa.gov/standards/index.html~~.

25.7(2) Interested members of the public may inquire about standards currently being considered for recommendation by the director by telephoning the information technology department enterprise, administrator of policy and planning, at (515)281-5503; in writing to Information Technology Department Enterprise, Hoover State Office Building, Level B, Des Moines, Iowa 50319; or by accessing the department's Web site at <http://www.state.ia.us/government/it/Standards%20&29Policies/ITStandards/index.htm> ~~http://das.ite.iowa.gov/standards/index.html~~.

ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

ITEM 11. Amend rule **11—25.8(17A)** by replacing “information technology department” with “department.”

[Filed 12/31/03, effective 2/25/04]

[Published 1/21/04]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/21/04.

ARC 3104B**ADMINISTRATIVE SERVICES
DEPARTMENT[11]****Adopted and Filed**

Pursuant to the authority of 2003 Iowa Acts, chapter 145, sections 4 and 61, the Department of Administrative Services hereby amends and transfers rules of the former Department of Personnel[581], Chapter 1, “Definitions,” to the Department of Administrative Services[11], Chapter 50, “Human Resources Definitions,” Iowa Administrative Code.

The purpose of this rule making is to comply with statutory changes enacted by the 80th General Assembly in 2003 Iowa Acts, chapter 145. Content changes are solely editorial in nature.

Notice of Intended Action was published in the November 26, 2003, Iowa Administrative Bulletin as **ARC 2946B**. No comments were received on the Notice. The adopted amendments are identical to those published under Notice except that references to House File 534 have been changed to references to chapter 145 of the 2003 Iowa Acts.

These amendments were adopted December 31, 2003.

These amendments will become effective on February 25, 2004.

These amendments are intended to implement 2003 Iowa Acts, chapter 145, sections 57 to 75.

The following amendments are adopted.

ITEM 1. Transfer **581—Chapter 1**, “Definitions,” to **11—Chapter 50**, “Human Resources Definitions,” and change all internal references from Chapter 1 to Chapter 50.

ITEM 2. Amend rule **11—50.1(80GA,ch145)** as follows:
Amend the definition of “act” as follows:

“Act” means 2003 Iowa Code chapter 19A Acts, chapter 145, creating the department of ~~personnel~~ *administrative services*.

Amend the definition of “compensatory leave” as follows:

“Compensatory leave” means leave accrued as a result of overtime, call back, ~~standby~~, holidays, or holiday work.

Amend the definition of “department” as follows:

“Department” means the Iowa department of ~~personnel~~ *administrative services*.

Amend the definition of “director” as follows:

“Director” means the director of the Iowa department of ~~personnel~~ *administrative services* or the director's designee.

Amend the definition of “merit system” by changing “Iowa Code chapter 19A” to “2003 Iowa Acts, chapter 145.”

Amend the definition of “overtime” as follows:

“Overtime” means those hours that exceed 40 in a work-week for which an *eligible* employee is entitled to be compensated.

Amend the definition of “overtime covered class, employee, or position” as follows:

“Overtime covered class, employee, or position” means a class, employee, or position determined to be eligible for premium overtime compensation ~~in accordance with the federal Fair Labor Standards Act~~.

Amend the definitions of “permanent employee” and “probationary employee” by changing “Iowa Code section 19A.2A, unnumbered paragraph 3,” to “2003 Iowa Acts, chapter 145, section 59,” and by changing “Iowa Code subsection 19A.9(8)” to “2003 Iowa Acts, chapter 145, section 61.”

Amend the definition of “permanent employment” by changing “581 IAC 15.1(19A) or 15.2(19A)” to “11 IAC 64.1(80GA,ch145) or 64.2(80GA,ch145).”

ITEM 3. Amend rule **11—50.1(80GA,ch145)**, implementation sentence, as follows:

This rule is intended to implement ~~Iowa Code section 49A.9~~ *2003 Iowa Acts, chapter 145, sections 57 to 75*.

[Filed 12/31/03, effective 2/25/04]

[Published 1/21/04]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/21/04.

ARC 3103B**ADMINISTRATIVE SERVICES
DEPARTMENT[11]****Adopted and Filed**

Pursuant to the authority of 2003 Iowa Acts, chapter 145, section 4, the Department of Administrative Services hereby amends and transfers rules of the former Department of Personnel[581], Chapter 2, “Coverage and Exclusions”; Chapter 3, “Job Classification”; Chapter 11, “Separations, Disciplinary Actions and Reduction in Force”; and Chapter 12, “Grievances and Appeals,” to the Department of Administrative Services[11], Chapter 51, “Coverage and Exclusions”; Chapter 52, “Job Classification”; Chapter 60, “Separations, Disciplinary Actions and Reduction in Force”; and Chapter 61, “Grievances and Appeals,” Iowa Administrative Code.

The purpose of this rule making is to comply with statutory changes enacted by the 80th General Assembly in 2003 Iowa Acts, chapter 145. Differences between the original chapters and the transferred chapters include:

1. 11—subrule 52.5(4) clarifies the time period for scheduling a classification appeal.

2. Transferred Chapter 52, “Job Classification,” does not retain rule 581—3.7(19A), “protection occupations; procedure for making determinations.” While the Department fulfills the requirements of Iowa Code section 97B.49B(1)“d”(3), the rule is unnecessary in the Department's chapter on job classification.

3. Subrules distinguishing between actions relating to a failure of an employee to maintain a required license or certificate and a discharge for cause are renumbered to provide a clear distinction between appeals concerning disciplinary actions and grievances alleging a violation of statute or rule.

Notice of Intended Action was published in the November 26, 2003, Iowa Administrative Bulletin as **ARC 2949B**. Comments received about the description of the amendments in the preamble were addressed. The adopted amendments are identical to those published under Notice except that the

ADMINISTRATIVE SERVICES DEPARTMENT[11](cont'd)

references to House File 534 were changed to references to chapter 145 of the 2003 Iowa Acts.

These amendments were adopted December 31, 2003.

These amendments will become effective on February 25, 2004.

These rules are intended to implement 2003 Iowa Acts, chapter 145, article 4, sections 57 through 61, 63, 75, 77, 78, 80, and 81.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [transfer 581—Chs 2, 3, 11, 12 to 11—Chs 51, 52, 60, 61; amendments to Chs 51, 52, 60, 61] is being omitted. With the exception of the change noted above, these amendments are identical to those published under Notice as **ARC 2949B**, IAB 11/26/03.

[Filed 12/31/03, effective 2/25/04]
[Published 1/21/04]

[For replacement pages for IAC, see IAC Supplement 1/21/04.]

ARC 3102B**ADMINISTRATIVE SERVICES
DEPARTMENT[11]****Adopted and Filed**

Pursuant to the authority of 2003 Iowa Acts, chapter 145, section 4, the Department of Administrative Services hereby amends and transfers rules of the former General Services Department[401], Chapter 14, "Organization and Operation of Terrace Hill," and Chapter 16, "Terrace Hill Endowment for the Musical Arts," to Administrative Services Department[11], Chapter 114, "Organization and Operation of Terrace Hill," and Chapter 116, "Terrace Hill Endowment for the Musical Arts," Iowa Administrative Code.

The purpose of this rule making is to comply with statutory changes enacted by the 80th General Assembly in 2003 Iowa Acts, chapter 145, by converting these two chapters from the authority of the former Department of General Services to the new statutorily established Department of Administrative Services. Content changes are merely editorial in nature.

Notice of Intended Action was published in the November 26, 2003, Iowa Administrative Bulletin as **ARC 2948B**. No comments were received on the Notice. The adopted amendments are identical to those published under Notice except that references to House File 534 have been changed to references to chapter 145 of the 2003 Iowa Acts.

These amendments were adopted December 31, 2003.

These amendments will become effective on February 25, 2004.

These amendments are intended to implement 2003 Iowa Acts, chapter 145, section 41.

The following amendments are adopted.

ITEM 1. Transfer **401—Chapter 14 to 11—Chapter 114** and **401—Chapter 16 to 11—Chapter 116**.

ITEM 2. Amend **11—Chapters 114 and 116** by replacing all references to Iowa Code chapter 18 with references to 2003 Iowa Acts, chapter 145.

ITEM 3. Amend **11—Chapters 114 and 116** by replacing all references to Iowa Code section 303.17 or Iowa Code section 18.8A with references to 2003 Iowa Acts, chapter 145, section 41.

ITEM 4. Amend subrule 114.7(1) as follows:

114.7(1) Address. Terrace Hill is located at 2300 Grand Avenue, Des Moines, Iowa 50312. Telephone number (515) 281-3604 (515)281-7205.

[Filed 12/31/03, effective 2/25/04]
[Published 1/21/04]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/21/04.

ARC 3109B**ECONOMIC DEVELOPMENT, IOWA
DEPARTMENT OF[261]****Adopted and Filed**

Pursuant to the authority of Iowa Code sections 15.104 and 15.106, the Iowa Department of Economic Development adopts new Chapter 63, "University-Based Research Utilization Program," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on November 12, 2003, as **ARC 2916B**. The Iowa Department of Economic Development adopted these rules on December 17, 2003.

The new rules implement the University-Based Research Utilization Program as authorized by 2003 Iowa Acts, First Extraordinary Session, House File 692, sections 111 to 113, and House File 683, section 82. The purpose of the University-Based Research Utilization Program is to promote the adoption of new technology developed at Iowa State University, the University of Iowa and the University of Northern Iowa in a way that will spur the establishment and growth of new business enterprises and promote new economic development within the state.

The rules establish application and award procedures and describe the tax benefits available for participating companies. The program provides tax credits to businesses that utilize a technology based on a patent issued to a regents university on or after July 1, 2003. Tax credits are also available to university employees who were responsible for developing the technology leading to a patent issued to a regents university and utilized by an approved business.

A public hearing to receive comments about the proposed new chapter was held on December 2, 2003. No comments were received. Except for correction of an error in rule 63.5(80GA, HF692, HF683), the funding appropriation to regents universities, to match the statute, the final rules are identical to the proposed rules.

These rules are intended to implement 2003 Iowa Acts, First Extraordinary Session, House File 692, sections 111 to 113, and House File 683, section 82.

These rules will become effective on February 25, 2004.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 63] is being omitted. With the exception of the

ECONOMIC DEVELOPMENT, IOWA DEPARTMENT OF[261](cont'd)

change noted above, these rules are identical to those published under Notice as **ARC 2916B**, IAB 11/12/03.

[Filed 12/22/03, effective 2/25/04]
[Published 1/21/04]

[For replacement pages for IAC, see IAC Supplement 1/21/04.]

ARC 3100B

REVENUE DEPARTMENT[701]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 421.14 and 422.68, the Department of Revenue hereby adopts amendments to Chapter 42, "Adjustments to Computed Tax," and Chapter 52, "Filing Returns, Payment of Tax and Penalty and Interest," Iowa Administrative Code.

Notice of Intended Action was published in IAB Vol. XXVI; No. 11, p. 956, on November 26, 2003, as **ARC 2953B**.

Item 1 amends subrule 42.15(2) to provide for additional property rehabilitation tax credits for individual income tax for projects located in cultural and entertainment districts.

Item 2 updates an implementation clause.

Item 3 adopts new rule 42.21(422), which provides for a university-based research utilization program tax credit for individual income tax. This credit, which is administered by the Iowa Department of Economic Development, is intended to promote the adoption of new technology developed at the three state universities.

Item 4 amends subrule 52.18(2) to provide for additional property rehabilitation tax credits for corporation income tax for projects located in cultural and entertainment districts. This change is similar to the one in Item 1.

Item 5 updates an implementation clause.

Item 6 adopts new rule 52.24(422), which provides for a university-based research utilization program tax credit for corporation income tax. This credit, which is administered by the Iowa Department of Economic Development, is intended to promote the adoption of new technology developed at the three state universities. This change is similar to the one in Item 3.

These amendments are identical to those published under Notice of Intended Action.

These amendments will become effective February 25, 2004, after filing with the Administrative Rules Coordinator and publication in the Iowa Administrative Bulletin.

These amendments are intended to implement Iowa Code chapter 404A as amended by 2003 Iowa Acts, First Extraordinary Session, House File 683, and Iowa Code chapters 262B and 422 as amended by 2003 Iowa Acts, First Extraordinary Session, House File 692.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [42.15(2), 42.21, 52.18(2), 52.24] is being omitted. These amendments are identical to those published under Notice as **ARC 2953B**, IAB 11/26/03.

[Filed 12/31/03, effective 2/25/04]
[Published 1/21/04]

[For replacement pages for IAC, see IAC Supplement 1/21/04.]

ARC 3118B

UTILITIES DIVISION[199]

Adopted and Filed

Pursuant to Iowa Code sections 17A.4 and 476.2 and 2003 Iowa Acts, chapter 126, section 6, the Utilities Board (Board) gives notice that on January 2, 2004, the Board issued an order in Docket No. RMU-03-9, Iowa Broadband Initiative, "Order Adopting Rules," by which the Board adopted Chapter 43 relating to the availability of advanced telecommunications services throughout Iowa.

These rules are intended to implement a new statute, 2003 Iowa Acts, chapter 126, which became effective on July 1, 2003. Entitled "Iowa Broadband Initiative," the statute allows rate-regulated local exchange carriers to implement an increase in monthly rates for residential or business lines. The increase cannot exceed \$2 per month per line. The revenue from this increase is to be used to provide advanced telecommunications services in areas where advanced telecommunications services are not currently available at affordable rates.

A rate-regulated local exchange carrier electing to participate in the Broadband Initiative must file a proposed plan with the Board for the use of the revenue resulting from the price increase. The statute gives the Board the authority to adopt rules to implement its review process, including rules that specify the initial plan filing requirements; further define the public interest; and identify some of the factors the Board will consider in reviewing the proposed plans.

Notice of Intended Action for these rules was published in the IAB Vol. XXVI, No. 2 (7/23/03) p. 115, as **ARC 2620B**. A Summary of Regulatory Analysis and Amended Notice of Intended Action was published in the IAB Vol. XXVI, No. 6 (9/17/03) p. 501, as **ARC 2782B**. Written comments were filed on or before October 8, 2003, and a public hearing to receive oral comments was held on October 22, 2003.

Written comments were filed by Iowa Telecommunications Services, Inc., d/b/a Iowa Telecom (Iowa Telecom), Qwest Corporation (Qwest), Rural Iowa Independent Telephone Association (RIITA), and the Consumer Advocate Division of the Department of Justice (Consumer Advocate). RIITA's comments indicated that the rules do not apply to its members and, therefore, RIITA had no specific comments to offer. Consumer Advocate supported the Board's rules as written. Qwest and Iowa Telecom suggested a variety of revisions. Several of those suggestions, or variations of those suggestions, have been adopted by the Board including those associated with notice requirements, the length of a plan, modifications of a plan, plan requirements, potential refunds, and plan review procedures. Each of these changes will improve the flexibility of these procedural rules, so that the carriers may propose, and the Board may consider and approve, the plans that will best serve the public interest.

Qwest also suggested that the first unnumbered paragraph of proposed rule 43.5(476) should be omitted. This rule requires that carriers that opt into the Broadband Initiative must make the resulting facilities available to other carriers on a wholesale basis. Qwest asserted that this rule contradicts a portion of the recent "Triennial Review Order" issued by the Federal Communications Commission (FCC) on August 21, 2003. That FCC order limits a carrier's obligation to unbundle facilities and services for advanced telecommunications services and its obligation to make those facilities and services available at wholesale prices. The Board recognizes that this rule merely repeated a statutory requirement and is

UTILITIES DIVISION[199](cont'd)

therefore unnecessary. The first unnumbered paragraph of proposed rule 43.5(476) has been omitted. Nevertheless, the Board notes that Iowa law requires that a carrier that participates in a broadband plan must make the services and facilities that result from the implementation of the plan available to other carriers on both an unbundled and wholesale basis.

Both Qwest and Iowa Telecom suggested that the proposed confidentiality rule identified as rule 43.7(17A) should be omitted. This rule provides that carrier plans shall not be eligible for confidential treatment. Qwest supported its suggestion by stating that the statute is silent as to the issue of confidentiality and the rule, as proposed, would deprive carriers of their statutory right to confidentiality for trade secrets and for reports to government agencies. Iowa Telecom supported its suggestion by stating that a large part of a carrier's plan will likely contain proprietary information relating to costs, work methods, market research, and network design; so the entire plan should be deemed confidential.

The Board recognizes the concerns raised by Qwest and Iowa Telecom with respect to the sensitivity of proprietary information that may be included in a proposed plan. Therefore, the Board has amended proposed rule 43.7(17A) to better protect the commercially sensitive information that may be included in a plan. However, the general plan information, specifically the information regarding the exchanges where advanced telecommunications services are to be deployed, the types of services that are to be deployed, and when those services are expected to be available to customers in those exchanges will still be made available for public inspection, in order to fulfill the unbundling and wholesale requirements of the statute.

These rules are intended to implement 2003 Iowa Acts, chapter 126.

These rules will become effective on February 25, 2004. The following **new** chapter is adopted.

CHAPTER 43 IOWA BROADBAND INITIATIVE

199—43.1(476) Authority and purpose. These rules are intended to implement Iowa Code section 476.97 as amended by 2003 Iowa Acts, chapter 126, section 6, relating to the Iowa broadband initiative.

The purpose of these rules is to provide guidelines for rate-regulated telecommunications carriers electing to participate in the Iowa broadband initiative and to evaluate the appropriateness of each carrier's broadband initiative revenue plan.

199—43.2(476) Definitions. The following words and terms, when used in this chapter, shall have the meanings shown below:

"Advanced telecommunications services" means the telecommunications infrastructure capable of delivering a data transmission speed of at least 200 kilobits per second in both directions.

"Affordable rates" is presumed to mean the current price for advanced telecommunications services being charged for similar services in areas with multiple broadband providers, as demonstrated by published or advertised prices. However, this presumption may be rebutted in appropriate circumstances.

"Plan" encompasses 36 consecutive months of projects for the deployment of advanced telecommunications services.

"Project" means individual or logically grouped proposals for the deployment of advanced telecommunications services.

"Public interest" includes, but is not limited to, the effective deployment, at the lowest reasonable expenditure of broadband initiative revenues, of advanced telecommunications services to the public at affordable rates, and the fostering of economic development through the increased availability of advanced telecommunications services.

199—43.3(476) Applicability. Rate-regulated telecommunications carriers electing to participate in the Iowa broadband initiative shall file for the board's review and approval a proposed plan for using the revenue each carrier will receive from the price increase permitted by Iowa Code section 476.97 as amended by 2003 Iowa Acts, chapter 126, section 6. The plan shall include economically achievable projects designed to expand advanced telecommunications services into areas of the state where advanced telecommunications services are currently unavailable. Each plan shall cover a time period not to exceed 36 months.

199—43.4(476) Procedures. The following procedures shall govern the board's review of broadband initiative plans:

43.4(1) Written notice of a broadband initiative plan. At least 30 days prior to a carrier's implementation of the price increase permitted by Iowa Code section 476.97 as amended by 2003 Iowa Acts, chapter 126, section 6, and prior to filing its initial broadband initiative plan, a carrier shall mail or deliver to all affected customers a written notice of its intent to file a plan. A copy of the notice shall also be filed with the board at the time the notice is sent to all affected customers. The notice shall, at a minimum, include the following elements:

a. The monthly price increase to be implemented pursuant to Iowa Code section 476.97 as amended by 2003 Iowa Acts, chapter 126, section 6, and the date for implementation.

b. A statement that the carrier will be filing a broadband initiative plan with the board pursuant to Iowa Code section 476.97 as amended by 2003 Iowa Acts, chapter 126, section 6.

c. The telephone numbers and addresses of carrier personnel, the board, and the consumer advocate for customers to contact with questions.

d. A statement describing the application of a credit, in an amount equal to the amount of the proposed residential service increase, to the monthly local exchange service rate for qualified applicants for low-income lifeline assistance programs.

A carrier shall file its broadband initiative plan within 60 days of the date that the notice is filed with the board.

43.4(2) Plan review procedures. The board shall issue an order approving, rejecting, or docketing a broadband initiative plan no later than 90 days after the plan is filed with the board. However, if the board seeks additional information from a carrier that submits a proposed plan, the 90-day period shall not commence until all such information has been filed with the board.

a. Supporting documents shall be filed with each carrier's application for approval of a broadband initiative plan.

b. Responses to a proposed plan shall be filed with the board within 10 days after the date on which the plan or any additional information sought pursuant to paragraph 43.4(2)"a" is filed.

c. If the board docketed a plan for further investigation, the plan shall be docketed as a formal contested case proceeding by the board and the procedures set forth in 199—Chapter 7 of these rules will apply.

43.4(3) Price increases. A carrier may implement a price increase for selected classes of customers. The price increase

UTILITIES DIVISION[199](cont'd)

for any particular class of residential or business customers shall be a uniform increase across the carrier's Iowa service territory unless otherwise ordered by the board. A carrier electing to participate in the broadband initiative shall file a revised tariff with the board that reflects the proposed price increase for residential or business customers, as allowed by Iowa Code section 476.97 as amended by 2003 Iowa Acts, chapter 126, section 6.

43.4(4) Interim approval. While the proposed plan is under review, the board may grant interim approval to specific projects included in the proposed plan. Projects to be considered for interim approval may include, but are not limited to, the deployment of advanced telecommunications services into areas where advanced telecommunications services are unavailable in any part of the carrier's local exchanges.

43.4(5) Modification of a plan. The consumer advocate, the carrier, or a third-party intervenor may propose modification of a carrier's plan at any time. The board, on its own motion, may consider modification of a carrier's plan. All applications to modify a plan shall be filed in the same docket in which the original plan was filed. The board shall issue an order docketing, approving, or rejecting a proposed modification within 30 days of the date the proposed modification is filed. If the board rejects or modifies a carrier's plan, the board may require the carrier to file a modified plan and may specify the minimum acceptable contents of the modified plan. A carrier may withdraw its proposed plan at any time.

a. Reasons for modifying or rejecting a plan may include, but are not limited to, the following:

(1) A demonstration that advanced telecommunications services are already available at affordable rates in a substantial portion of the area(s) where the services are proposed to be deployed;

(2) A demonstration that significant investment by a third party has been committed for the deployment of advanced telecommunications services in one or more of the areas specified in the plan, and advanced telecommunications services will be offered in those areas within a reasonable time; or

(3) A demonstration that the deployment of advanced telecommunications services in one or more of the areas specified in the plan may no longer be cost-effective.

b. The carrier shall file an application to modify its plan if either of the following conditions occurs or is projected to occur during the life of the plan:

(1) The total plan budget has changed or will change by a factor of plus or minus 10 percent.

(2) An approved project is proposed to be eliminated or a new project is proposed to be added.

43.4(6) Refunds. If a carrier withdraws its plan prior to the completion of the plan, the carrier shall refund all unspent revenues to existing customers in a manner to be approved by the board and at a rate of interest to be determined by the board, but not to exceed the interest rate allowed in Iowa Code section 476.6(13).

199—43.5(476) Broadband initiative plan requirements.

A carrier's proposed plan shall include individual projects spanning 36 consecutive months from the date the plan is filed and shall include a plan for extending advanced services to all customers in the areas where the services are proposed to be deployed (if that will require more than 36 months) to the extent consistent with technological limitations and the public interest. Each project description shall include the means by which the carrier proposes to provide advanced telecommunications services to customers that currently cannot be offered such services as well as an estimate of the num-

ber of potential customers that may benefit as a result of the project. The plan shall also include a description of how the public interest will be met by the plan and a description of the geographic locations where the improvements are proposed. The plan shall include a ranking of projects, or group of projects, depicting the order and areas in which a carrier proposes to deploy advanced telecommunications services.

43.5(1) Description of each proposed project. The description of each proposed project shall include but not be limited to:

- a. The name of the proposed project;
- b. The exchange(s) or area(s), the total number of access lines in the exchange(s) or area(s), and the number of unserved access lines that the project targets;
- c. The proposed improvements and related costs for the project;
- d. The calculation of the total investment divided by the number of additional access lines to be served;
- e. The anticipated date(s) for the deployment of advanced telecommunications services to the exchanges specified in the project; and
- f. A narrative description of the company's reasons for proposing each particular project at the proposed priority level.

43.5(2) Plan and project budget categories. The plan and project budgets shall be itemized by proposed costs. Each category shall contain sufficient information to allow the board to perform an adequate analysis of the plan. The plan and project budgets shall be categorized as follows for each proposed project:

- a. Planning and design costs;
- b. Equipment costs;
- c. Costs for the installation of the equipment; and
- d. Other project and plan costs.

43.5(3) Board review of proposed projects. In reviewing the proposed projects, the board shall consider all relevant factors, including but not limited to the following:

- a. Cost efficiency of deployment, which is the calculation of the total investment divided by the number of additional access lines to be served.
- b. The extent to which the carrier's proposed investments and expenditures serve the public interest, including the upgrading of existing telecommunications infrastructure to permit improved data services for customers that cannot be offered advanced telecommunications services due to their geographic locations.
- c. The availability of funding sources other than the funds received pursuant to Iowa Code section 476.97 as amended by 2003 Iowa Acts, chapter 126, section 6, as well as external funding sources and committed investments by entities other than the carrier.

The board may approve, reject, or modify the plan. For example, the board may reorganize the project priority list or deny approval of specific projects that fail to meet the public interest test. A carrier may withdraw its plan if the carrier disagrees with the board's proposed modifications and shall refund all unspent revenues to existing customers in a manner to be approved by the board and at a rate of interest to be determined by the board, but not to exceed the interest rate allowed in Iowa Code section 476.6(13).

199—43.6(476) Upon completion of approved plan.

43.6(1) Within 60 days of completion of an approved plan, a carrier shall file a final reconciliation report. The reconciliation report shall include total incremental revenues collected, total costs incurred, access lines developed, utilization of service, and pricing of services.

UTILITIES DIVISION[199](cont'd)

43.6(2) At the same time that a carrier files a reconciliation report, a carrier shall do one or more of the following:

a. File a continuation plan for board review and approval for the continued use of the revenue resulting from the price increase allowed by Iowa Code section 476.97 as amended by 2003 Iowa Acts, chapter 126, section 6, for further deployment of advanced telecommunications services.

b. File a rate of return rate proceeding pursuant to Iowa Code section 476.6 to determine new rates.

c. File proposed tariffs for board review and approval to reduce the monthly prices that were adjusted pursuant to Iowa Code section 476.97 as amended by 2003 Iowa Acts, chapter 126, section 6, by an amount equal to the increase.

d. File a refund plan. If, after the completion of the plan, a carrier elects no longer to participate in the broadband initiative, the carrier shall refund all unspent revenues to existing customers in a manner to be approved by the board and at a rate of interest to be approved by the board, but not to exceed the interest rate allowed in Iowa Code section 476.6(13).

199—43.7(17A) Confidentiality. The portions of a carrier's proposed broadband initiative plan that identifies the exchanges where advanced telecommunications services are to be deployed, the time frame in which those services are expected to become available in the described exchanges, and the types of services that are to be available in those exchanges will be made available for public inspection. Supporting documents and additional information, including but not limited to market share information, cost data, vendor information, and proprietary information, may be held confidential pursuant to 199—1.9(476) if an appropriate request for confidential treatment is filed. The board may request additional information from a carrier during the board's review of a plan. If the board requests additional information from a carrier, the carrier shall supply the information upon

the board's request. The requested information may also be subject to confidential treatment in accordance with rule 199—1.9(476).

199—43.8(476) Project reports.

43.8(1) A carrier shall file a project report with the board 12 months following the board's approval of a broadband initiative plan, interim projects, or tariff for rate increase, whichever comes first, and every 12 months thereafter until a final reconciliation report is filed.

43.8(2) The project report shall include the following information:

a. A statement detailing the carrier's progress toward completion of its approved plan;

b. A statement identifying the amount of money collected pursuant to Iowa Code section 476.97 as amended by 2003 Iowa Acts, chapter 126, section 6;

c. A statement identifying the carrier's expenditures for each approved project;

d. A statement identifying the total number of access lines in the exchange(s) specified in the plan and the access lines made available for advanced telecommunications services; and

e. A narrative statement of the reasons any particular project was not completed as described, proposed, or approved.

These rules are intended to implement Iowa Code section 476.97 as amended by 2003 Iowa Acts, chapter 126, section 6.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/21/04.

AGENCY	RULE	DELAY
Medical Examiners Board[653]	21.4 [IAB 12/24/03, ARC 3042B]	Effective date of January 28, 2004, delayed 70 days by the Administrative Rules Review Committee at its meeting held January 6, 2004. [Pursuant to §17A.4(5)]

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